DEBATES IN CONGRESS.

PART II. OF VOL. XII.

REGISTER

OF

DEBATES IN CONGRESS,

COMPRISING THE LEADING DEBATES AND INCIDENTS

OF THE FIRST SESSION OF THE TWENTY-FOURTH CONGRESS:

TOGETHER WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND THE

LAWS, OF A PUBLIC NATURE, ENACTED DURING THE SESSION:

WITH A COPIOUS INDEX TO THE WHOLE.

VOLUME XII.

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into an account of dollars and cents. He asked whether the public lands were to be debited with the expenses of the removal of the Indians and the payment of agents. The trustee was bound to give all the benefit to the person for whose trust he held the money, and the person for whose use and benefit the trustee undertook to apply his money faithfully had a right to expect the full benefit. He spoke of the great importance of the purchase of Florida to the country, and especially the southern States, in preventing a lodgement of a foreign enemy, independent of its pecuniary value. He had no doubt that, after deducting these sums improperly debited to the public lands, and allowing a reasonable sum for all necessary appropriation, there would be enough left to fully equal the amount proposed for distribution. He would not go into so labored an argument as some others to show what would be left in the Treasury.

At the close of the last quarter, there was in the Treasury thirty-one millions; and, at the end of the next quarter, there would probably be thirty-three millions, and they had in bank stock, nominally, seven millions, but which would probably be equal to seven millions five hundred thousand dollars, and by adding these sums together, they had at the end of the year about seventy-two millions. To avoid every thing like mistake, he deducted three millions five hundred and sixty-seven thousand dollars, and still there would be upwards of sixty-seven millions left. The late Secretary of the Treasury (Mr. McLane) had estimated all the ordinary wants of the Government at fifteen millions, and, taking that as the data, there would still be twenty-five millions left; and he confidently asked, if, after all the wants of the Government were provided for, there would be twenty-five millions needed, unless they increased the army and navy to an unreasonable extent? He cited documents from the War Department to show that a great increase of the army was not wanted, and that the notion of fortifications, on the scale contemplated, was exploded, as not calculated for general defence; and they were useful only at certain important points; and that a board of examination had been recommended to point out the most eligible points for their erection; and that it was not recommended to go on with all the fortifications this year, but to expend the appropriation this year in completing those already begun. Forts, if not manned and armed, might serve the enemy as a place of security and annoyance, instead of defence against them. The radicals in 1822-'3-'4, and '5, were in favor of the fortification system. They might think they could take the lead and regulate public opinion on that subject; but they would find that public opinion would regulate them, if they saddled a standing army on the country. These armies employed to fight for the Government would think it necessary to do their voting, and the militia of the country would rise *en masse*, and vote to abolish them. They might give what they pleased for their navy, and get out all the timber they could to build all the ships they could, and they could not consume the surplus. He understood there was a project started to invest the surplus in stocks—but that would increase the difficulty, and instead of getting clear of the surplus, they would have an increase of it.

The Committee on the Post Office and Post Roads had brought to bear a steam power to help them to get rid of it; and to that system he entered his solemn protest. The Postmaster General had now the power to make contracts with these steam car companies for the transportation of the mails; and if he had not the power, he was in favor of giving it to him. He argued at very considerable length against the measure proposed by the Committee on the Post Office and Post Roads, to show the difficulties in which it would involve the Government in becoming connected with these companies; and if the power was doubted, in passing the distribution bill, this Post Office bill was still more objectionable. He relied upon the sound integrity of the Chief Magistrate in reconsidering his former views, when he found the people desired this distribution of the surplus. If, then, they had money enough, and none of these projects were received with the same favor as this, the question was, whether it would not be sound policy to adopt it. It was said that its passage would have the effect to destroy a spirit of manliness, which was necessary to keep the federal Government in tone. When the people would understand that the money they received was not a gratuity or a bounty, but was taken from their own funds, and returned to them, they would not be decoyed into useless experiments. He would never think of distributing, except in cases of an extraordinary accumulation like the present. The State Governments understood quite as well how to manage their affairs as the United States did to manage its affairs, and would make a judicious disposition of the quota they would respectively receive.

Another difficulty was suggested. There was a number of new States, and some going to be admitted; and if they went into the system of dividing the revenue from the public lands, the old States would hold on to the high prices, and never consent to the reduction of them. It was right for gentlemen from the new States, who really thought so, to oppose this bill. But he did not believe the objection well founded. They must always suppose an integrity and magnanimity of character in the thirteen old States, upon which they could rely for justice. He had been raised in a new State himself, and he was ready to say that the moment he voted for the distribution, he should be as ready to vote for a reduction, so as to enable the inhabitants of the new States to purchase land for a home for themselves and families. He had voted against the amendment offered by the Senator from Mississippi, [Mr. WALKER,] because he did not think it could answer the purpose intended, but declared himself friendly to a gradual reduction that would benefit the settlers, let the fate of this bill be what it might, and would vote for a graduation principle, such as would protect the honest settler. If any thing should put him out of humor on that subject, it would be because his own State had not received any thing from the general Government. He spoke of the facilities loans from banks afforded to combinations for the purposes of speculation, and of the inability of those not concerned in them to compete with them in the purchase of public lands. Those speculators lived upon their wits instead of their labor. He closed by portraying the general benefits that would result from the passage of the bill, which would check this system of speculation, and bring back a return of a wholesome and sound currency; it would be the means of sustaining these banks; it would be invested in internal improvements and general education, and none of the other projects ought to come into collision with it, as there was money enough for them all. It was returning to the States what was their own money, and he would never consent that they should be treated as infants, incapable of acting for themselves.

Mr. WALKER submitted the following amendment: which was to strike out the distribution according to the last census, and insert a distribution according to the compound representation of the respective States in the Senate and House of Representatives.

Mr. W. said that if this distribution bill should be forced upon us, whether he should vote for or against it, he wished to see it made as perfect as posible. That his amendment was in accordance with that feature of the constitution which regarded the States as coequal sovereignties, which provided for their equal represent-

ation in the Senate, and which gives each of them two electoral votes in addition to their number of representatives in the other House of Congress. That if the distribution principle was to be adopted, he could not think it proper, under existing circumstances, to look upon the States as counties, and wholly disregard their rights as equal members of this great confederacy. That the principle proposed by him, whilst it did not divide the moneys equally among the States, yet was a nearer approach to equality than the proposition embraced in the bill as it now stands. Mr. W. then proceeded to show what States would be the gainers by this amendment, specifying the exact amount for each State. He said the proportion of Mississippi would be nearly doubled, and that of little Delaware, nearly tripled.

Mr. CLAYTON returned his thanks to the gentleman from Mississippi for his kind intentions towards little Delaware, though she would be very glad to get the proportion allotted to her in the shape it came from the committee. Should any member in favor of little Delaware come before them on a future occasion, he would be happy to receive the gentleman's support; but, for the present, he must beg to decline his proffered kindness. The bill gave to Delaware her proportion; not according to the ratio of her representation in the other House; not according to the number of her Senators and Representatives in both Houses; but apportioned her share of the distribution on the basis of her federal population, which was the only true and just principle of distribution. With this Delaware would be satisfied.

Mr. CLAY opposed the amendment, as not in accordance with the provisions of the deed of cession from the State of Virginia, declaring that the lands given by her should be held for the common benefit of all the States then in the Union, and those that might thereafter come into it; and that the distribution should be made in proportion to the burdens borne, respectively, by the several States, of the general expenses of the Government. The amendment, therefore, of the Senator from Mississippi would be unconstitutional; the only true principle of distribution, complying with the terms of the deed of cession, was on the basis of federal population.

Mr. WALKER replied, disclaiming any disrespectful reference to Delaware, and eulogizing her valor and patriotism at the period of the Revolution. He said that if the distribution proposed by him violated the terms of cession, so did this bill; for it proposed to give a certain additional per centage of the proceeds of these lands to some States, and not to others. Mr. W. denied that his proposition violated the terms of the compact. These terms (admitting even that they remained in force after the adoption of the constitution) did not grant these lands as a common fund to the several States in proportion to their population, but upon a different ratio, namely, in proportion to "their usual respective proportions in the general charge and expenditure." Now, (said Mr. W.,) the "usual general charge" in carrying on this Government, is not in proportion to population. The exporting States, of which Mississippi is one of the largest, bear a proportion in sustaining this Government, both in war and in peace, far beyond their population. In war they bear nearly the whole pecuniary burden; for their great staple falls to a mere nominal price, whilst home manufactures rise in value; and in peace, the tariff, from which we derive our revenue, whilst it is thought to aid the manufactures of the North, depresses the value of the Southern staples. In any point of view, the charges upon the people of the Union are not in proportion to population. It is true, direct taxes are in proportion to the federal population, and we are told taxation and representation go together; but taxation and representation do not go together, in their full extent, under our form of Government; otherwise, the large and the small States would not be equally represented in the Senate. If representation is to be the criterion, that criterion, under our constitution, should be the representation in both Houses of Congress, as he (Mr. W.) proposed. If taxation was to be the criterion, direct taxation would furnish no practical rule on the subject. Direct taxation was one only of the modes of supporting this Government—a most unusual one—and Mr. W. thought it probable would never be resorted to again. The "usual general charge" upon the States is the tariff; and this does not operate in proportion to population.

Whilst, Mr. W. said, he was no believer in "the forty bale theory," yet he proceeded to prove that, under the tariff system, the exporting States bear more than their proportion of the charges of conducting the Government; it affects them both as consumers and exporters, whilst those States that export nothing are affected as consumers only. Mr. W. then pointed to that clause of the bill which proposed to distribute the proceeds of the sales of the lands in 1840 and 1841, according to the last census, whereas they should, according to the theory of the bill, be distributed according to the next census, which will greatly increase the share of Mississippi, and ought to be done if the present ratio was retained.

Mr. NILES made some remarks in favor of the amendment. He said these lands were ceded as a common fund, to pay the debts of the confederation and carry on the war; and if they were considered a fund belonging to the States, there was much reason to believe they belonged to them as sovereignties; but if they were the exclusive property of the Union, then there was an arbitrary power in the Government over their distribution. He regarded the whole scheme as an indirect system of internal improvement, and in carrying it out a regard ought to be had to the distribution among the States according to their respective wants and necessities; they ought to give the most to those that needed it most. Some States had just commenced their internal improvements, and would need more than others. The State of New York had finished hers, and would not need any assistance. If there was any principle in this bill, it was in favor of this amendment. The States had formerly stood upon equal footing, and little Delaware then stood up as an equal with Virginia. He belonged to one of the small States, and was opposed to the whole scheme; but if they were to be bought up, he wanted as high a price as he could get.

Mr. CLAYTON referred to the deed of cession from the State of Virginia, to show that the principle contained in the amendment was unconstitutional. The deed of cession required that the distribution of the fund arising from these lands should be made according to the respective proportion contributed by them of the general charges and expenditures of the Government. Now, could the gentleman from Mississippi tell him that Mississippi and Delaware paid a proportion of the expenses of the Government equal to the proportion of their Senators and Representatives in Congress? and if not, how the distribution proposed by his amendment (taking the additional amount given to these two States from the other States) would be just? Now, the apportionment on the basis of federal population was the only just one, because it was on that basis that the direct taxes were apportioned. Mr. C., after taking a view of the two messages of the President recommending a distribution of the surplus revenue on the basis of federal population, and reading copious extracts from it, said that the distribution on that basis, as recommended by the President, was the only just one, and that he heartily agreed in opinion with him. By apportioning the distribution according to the representation in the other House,

Delaware would be treated with great injustice, because she had but one Representative, and wanted but a fraction of population, according to the apportionment of Representatives, to entitle her to two; while a distribution, according to the number both of Senators and Representatives, would give Delaware three shares, though she was entitled to but two, or nearly two, and would be unjust to the large States.

Mr. WALKER said he had not said the additional per centage was unequal; he had only said it was not, according to the proposed ratio of federal population, and, therefore, if this ratio could be departed from in the one case, it could in the other, as proposed by him, (Mr. W.) That the distinguished Senator from Kentucky [Mr. CLAY] must be hard pressed for argument when he rallied the friends of the bill against a just amendment, by saying it had emanated from him, (Mr. W.,) an enemy of the bill. Mr. W. said it was true he had feared the policy of the bill was to defeat pre-emption laws, to keep up the price of the public lands, to keep up the tariff on the lands of the West, whilst it was reduced in all other cases; and that he had deeply lamented the failure for the present of this amendment reducing the price for four forty-acre lots in favor of actual settlers only, which would have greatly benefited the poor man and the actual cultivator of the soil. But, he had not told the Senate how he should now vote. Since this bill was introduced, the old States had, he feared, become more and more rigid in regard to the settlers in the new States—that they were now opposing pre-emptions as well as a reduction of the price. That as regards the settlers, the speeches of gentlemen in their favor were very good things; but when gentlemen spoke one way for the settlers, and voted another way against them, their speeches amounted to less than nothing. That no provision, as regards any ratio of distribution was designated by the constitution; and that to disregard the representation of the States in the Senate altogether, was to make an approach towards breaking down the State sovereignties and consolidating the Government.

Mr. W. said there were peculiar reasons why the principle of distribution which he proposed now might be very just at this period, and yet not constitute a standing precedent. All the new States (but one) are small States, whose fund would be increased by the principle he proposed to adopt; and that this would be only returning to the people of the new States, who paid into your Treasury nearly all this fund, a large ratable proportion of the moneys paid by themselves. Mr. W. said if he had proposed to divide this fund equally among all the States, without regard to population, there might be some ground to complain; but when his proposed distribution adopted the compound ratio of representation in both Houses, fixed by the constitution, it would come much nearer to a just basis, under existing circumstances, than the last or the next census.

Mr. CLAY said that the gentleman from Mississippi, it was true, offered strong inducements to Delaware to obtain the support of her Senators to his amendment, and, these failing, he had offered another, by way of compliment to her Senator, and that had also failed—the Senator from Delaware's sense of justice outweighing all other considerations. The gentleman referred to the inequality in the bill which gave the 12 per cent. to the new States. Now, if the Senator's sense of justice towards the old States was so strong as to induce him to move to strike out this provision, and he could get the gentleman from the other new States to agree with him, he (Mr. C.) did not know that he would persist in a desire to retain it. Mr. C. then went on to show that the distribution according to the basis of federal population was the only just one, and urged the Senate not to adopt the amendment, as going to defeat the bill.

Mr. PORTER observed, in reply to Mr. WALKER, that as the Senator from Mississippi had not given any pledge to vote either for or against the bill, he was still open to conviction, and he hoped he might be induced to go for it. Now, he had made up his mind to vote for the bill, and, being friendly to it, he dreaded the effect the amendment would have in the other House. In the Senate the small States were strong, but in the other House the tables would be turned; there will (said Mr. P.) be forty to one against us. He therefore could not vote for the amendment, as he believed it would defeat the bill.

Mr. BLACK observed that he had carefully examined the deed of cession from the State of Virginia, and was satisfied, after full reflection, that the amendment of his colleague conflicted with its provisions. He was therefore compelled to vote against it.

The question was here taken on Mr. WALKER's amendment, and it was rejected: Yeas 6, nays 37, as follows:

YEAS—Messrs. Benton, Ewing of Illinois, Linn, Niles, Robinson, Walker—6.

NAYS—Messrs. Black, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Davis, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, McKean, Mangum, Moore, Morris, Naudain, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Shepley, Southard, Swift, Tallmadge, Tomlinson, Webster, White, Wright—37.

The Senate then adjourned.

TUESDAY, APRIL 26.

TEXAS.

Mr. MORRIS presented the proceedings of a large and respectable meeting of the citizens of Cincinnati, on the subject of the struggle for freedom now going on in Texas, and suggesting the expediency of acknowledging the independence of that country. Mr. M. asked that the proceedings might be read, and referred to the Committee on Foreign Relations.

Mr. KING, of Alabama, suggested to the Senator from Ohio, whether it was not going too far, in the present aspect of the affairs of Texas, to refer these proceedings to a committee. However strong, he said, our feelings might be in favor of these unfortunate men who were struggling for the preservation of their dearest rights, as well as for their very existence, and however deep our abhorrence and detestation of the cruel and tyrannical conduct of their invaders, yet he thought that the acknowledgment of their independence at this time, or the adoption of any measure looking to it, seemed to be premature. He admitted there was a strong feeling on this subject pervading every portion of this country, and it was natural that it should. The people of this country could not but deeply sympathize with those who were contending for the dearest rights of man, and must necessarily feel a powerful sense of indignation at the blood-stained atrocities which had marked the desolating progress of their cruel oppressors. This was all very natural; but for the Senate to interfere in the present state of affairs, he thought was premature; and he suggested to the gentleman from Ohio, whether the best course would not be to lay the proceedings on the table.

Mr. WALKER said that he hoped the motion to lay these proceedings upon the table would not prevail; that such a course would not be expressive of the sense of the people of the United States; that the sympathies of the American people were deeply excited in regard to the situation of Texas; that there were thousands of American citizens invited by Mexico to participate in the blessings of a federal Government and of free insti-

tutions—invited to settle the wilderness and defend the Mexicans against the then frequent incursions of a savage foe, and now attempted to be trodden down beneath the feet of the most sanguinary despot and usurper that had ever disgraced the annals of the world; that, in point of fact, Santa Anna and his priests and mercenaries were the rebels, and not the people of Texas; that it was Santa Anna and his party who had prostrated the federal Government of Mexico, and were now attempting to establish upon its ruins a central military despotism; that the people of Texas had fought for the federal constitution of 1824, and adhered to it until all hope of its preservation had been extinguished; and that then, and then only, when the only alternative presented was to receive the chains of a usurper, or resist unto death, they had nobly unfurled the flag of independence, resolved to maintain their liberties or perish in the conflict. Nobly, gloriously, had they maintained the unequal contest; they would perform deeds of valor that would challenge a comparison with any thing in Greek or Roman history. Such men could not be vanquished. No! the sun was not more certain to set in the western horizon, than that Texas would maintain her independence, and that we would acknowledge it. The death of the murdered heroes at the Alamo, of prisoners of war massacred in cold blood by the orders of a ruthless tyrant, would call down upon him the vengeance of earth and Heaven. It had excited a thrill of horror throughout this Union, and was now bringing the evidences of public feeling before this body. Let us now, then, give to these proceedings in favor of Texas that respectful reference to which they are so justly entitled, and which, whilst it does not now violate the neutrality of this Government, will cheer onward, in the hour of gloom and danger, a people who are imitating the example of the patriots of our own Revolution, and whose destiny will be the same.

Mr. MORRIS was well assured that this was a question of great delicacy, and that they should proceed with much caution. He agreed with his friend from Mississippi that the public mind was much excited on the subject, and that the sympathies of our people were deeply roused in favor of the suffering Texians. As a citizen, individually, he accorded fully with the feelings expressed in the proceedings of this meeting, but as an American Senator he felt that he ought to act with some caution. He believed that the people of Cincinnati spoke the united voice of the whole State, and that their meeting would be followed by other meetings, not only in Ohio, but in every part of the Union. He was willing to lay the proceedings on the table for the present, as suggested by the Senator from Alabama, and the more so, as he had been informed that similar memorials would be presented from other parts of the United States, when the Senate, having the sentiments of the country more generally expressed, might think proper to call up the proceedings, and act on them.

The proceedings were then laid on the table.

DUTIES ON IMPORTS.

Mr. DAVIS, pursuant to leave, introduced a bill to amend the act entitled "An act to amend the several acts imposing duties on imports;" which was read a first time.

Mr. D. moved the second reading of the bill, and said it required a word of explanation. It would be remembered by all that the tariff of imports underwent an entire revision in 1832. It would be seen that, in passing such a law, it was not convenient to enumerate all articles of merchandise, as it would render an act too voluminous. Articles of merchandise were, therefore, as far as they conveniently could be, classed. In doing this, it brought goods of like character, and subject to like duties, together; but some kinds of merchandise were mixed in their character, being made of different materials, as of cotton and wool, silk and wool, or cotton and silk, and thus it became difficult sometimes to assign such articles to their proper class.

It had so proved in regard to lead, which, in its unmanufactured state, was subject to a heavy duty of three cents a pound, while in some of its manufactured states it was only liable to fifteen per cent. It was, therefore, immediately introduced in the form of busts, and then applied to any purposes for which lead was needed, being substantially, for all purposes, considered as unmanufactured. Yet the courts held that it was manufactured lead in this form of busts, and subject to a duty only of fifteen per cent. It became necessary to pass an explanatory act, to carry into effect the real purpose of the law, by giving suitable protection to the producers of lead, and busts are now on the footing of unmanufactured lead.

The bill now introduced is to meet a like unexpected construction of the law. The second section of the law, after providing specific duties for carpets, baizes, &c., says, "and upon merino shawls made of wool, all other manufactures of wool, or of which wool is a component part, and on ready-made clothing, fifty per cent." Worsted goods were imported into New York, and not being otherwise provided for in the act, the collector decided that they were manufactures of wool, and fell under the above provisions. The importer thought otherwise. He admitted that worsted is made of wool, but denied that a cloth made of worsted was a manufacture of wool. He paid the duty, reserving to himself the right to sue for the excess, and recover it back. The suit was instituted, and has lately been decided in the Supreme Court of the United States; and although we all here, when the law was made, believed what was made of wool was a manufacture of wool, yet the court decided that worsted cloth was not a manufacture of wool, and therefore that worsted shawls were not embraced in the provision referred to. Having thus decided, it became necessary to determine what duty such goods must pay. No specific provision for them could be found, and the question was admitted to be full of difficulty; they were, however, assigned a place among certain silk goods. The object of this bill is only to restore the legitimate purpose and meaning of the act of 1832; otherwise injustice will doubtless be done to both wool grower and manufacturer, as goods will be contrived for various purposes, and be extensively introduced under this construction of the law. Having thus explained his object, he would move that the bill be referred to the Committee on Manufactures, and hoped for their speedy action upon it.

The bill was then read a second time, and referred to the Committee on Manufactures.

LAND BILL.

The Senate proceeded to consider the bill to appropriate, for a limited term, the proceeds of the public lands, &c.

Mr. CLAY rose to address the Senate in support of the bill. He observed that more had been already urged, with great ability, in its support, by those who had preceded him in debate, than was necessary to convince even the most skeptical of the great benefits to be derived from it; and had he consulted the feelings both of that body and of himself, he should have remained silent, acquiescing in what had been said in behalf of this measure. But regarding it as one of great and unmixed public good, conducive in all its results to the benefit of this whole country, he could not reconcile it to a sense of duty to leave the burden of the argument on his friends, able as they had shown themselves to be.

It was possible that he might, on this occasion, present some views to the Senate that were new, or that he might have the power to exhibit those already offered in a new light, so as to induce a more favorable opinion for what had not been sufficiently considered. It was for this purpose, therefore, that he ventured to intrude upon the time of the Senate. His friend from New Jersey who sat in front of him [Mr. SOUTHARD] had been reproached by the Senator from New York [Mr. WRIGHT] with having endeavored to create alarm in the public mind, and to destroy its confidence in the circulation of the country, at a moment when it was essential that the public property should be rendered secure. The man who endeavored to disturb a just confidence deserved the highest degree of reprobation; but his fault was not greater than that committed by him who endeavored to inspire a confidence where confidence was not due. He put it to gentlemen, whether the sentinel at his post was most culpable who concealed the approach of danger, or the one who announced it when it was not near. He would not charge the Senator from New York with treachery when he endeavored to impress on the public mind the belief that all was safe and prosperous, as that Senator had endeavored to do. Still, the public treasure was not in such a condition as warranted the Senator in making such representations; and if he could, he would inspire him with one deep and constant apprehension of its security. His friend had also been reproached, and with little justice, he thought, with having indulged in party acrimony. This reproach was altogether unmerited. His friend had drawn a picture, a just picture, of the state of the Treasury, and referred to the powers assumed over it by the Executive. He did not say that the powers assumed had been abused by the President or by those about him--he trusted that it would not be abused; but he thought that all would agree with him that the powers assumed were utterly at variance with the liberties of a free country where a constitution and laws prevailed. What was the state of the Treasury? According to the returns of the Secretary of the Treasury, last brought in, there were upwards of forty millions of public money in about thirty-four banks created by State authority, composed of money which still belonged to the public, part of it being at the credit of its disbursing officers, which, with the seven millions of United States Bank stock, made a total sum of about forty millions. The banks in which these deposites had been made had an amount of specie of about eleven millions of dollars, and their total immediate liabilities amounted to about the sum of ninety-three millions, their immediate means amounting to only thirty-eight millions. This great sum was held by banks not under the control of law. He regretted that he had not time to examine the report of the Secretary of the Treasury that came in that morning, but he perceived that he commenced in a defence and in excuses which ought not to be necessary on such an occasion. This great sum might be withdrawn in a moment, at the fiat of the Secretary, and might be placed all in one bank, or deposited in a place which was not a bank; and, without inquiry whether this power might be abused or not, he asked if it was not a power too dangerous to be confided to any one man? This was the state of things referred to by the Senator from New Jersey, and which induced the Senator from New York to reproach him with having indulged in party feeling. This power was too great to be trusted to any one human being. In any one of the three hundred and sixty-five days of the year, it was in the power of the Secretary of the Treasury to destroy any one of these banks, and thus lead to the explosion of the paper system, in which the property and credit of such vast numbers were involved. Now, if they looked to the means of these banks, and compared them with their immediate liabilities, they would find that there was very little to encourage the idea of the Senator from New York that all was safe and prosperous. They had collected from the people of the United States about forty millions of dollars, and placed it in these thirty-four deposite banks, which gave them no interest and no security for the return of the capital. They could give in fact no security, for if the Secretary of the Treasury were to take bonds from them, he would do so without the authority of law, and the bonds would be therefore void. This money, thus deposited in these banks, was loaned out, a considerable portion of it, to the people of the United States; and the means of returning this sum collected from the whole people consisted of the notes of those to whom it had been loaned, and who these were was not even known to the Secretary of the Treasury himself. Thus this vast sum was loaned out by banks, acting without authority, to persons unknown to the Secretary; and in the case of an explosion, the loss to the Treasury would be in proportion to the extent of that explosion. This had actually occurred, or something like it, after the close of the last war, and caused the unavailable funds which were now in the Treasury. But if such a pressure were to occur as took place about the year 1819—want of confidence, or a large export of specie for the wants of commerce, or a failure of the crops, or a great reduction of prices of the great southern staple—if the banks became affected by any one of these causes, the loss to the Treasury would be far greater than was to the public in 1819. Look now to the state of the currency; confidence in it was already diminishing, and exchanges were greatly deranged, while bank issues had enormously increased. All this had arisen from the unfortunate controversy with the Bank of the United States. The number of State banks in 1830 was something like three hundred; and up to January, 1835, they amounted to nearly seven hundred and fifty, while the circulation was nearly double what it was in 1830. He had no doubt, if they could get accurate accounts, that the present circulation would be found to be upwards of a hundred millions, and the number of banks eight hundred, all of them without law and without responsibility to the United States. Was this a state of things in which the Senator from New York could place himself on the watch-tower and cry that all was safe?

When the currency was wrested from the power of Congress, where was it transferred? It was not even in the possession of the States; it was in the possession of these thirty-four banks; and the Secretary of the Treasury, whose interest it was that it should be secure, did not know to whom they had loaned it. The attention of the Senate had been called by the Senator from Ohio to a single bank, which had attempted to regulate the currency to a certain extent, by prohibiting the land office from taking the notes of other banks designated by it. And let us see what the Secretary of the Treasury has done while Congress is legislating on the subject of the currency. In his letter of the 22d February, he requests these banks (he puts his commands in the form of a request) that, after the 1st of July next, they will not issue notes of a less denomination than five dollars; and, at a certain period thereafter, that they will discontinue the issue of notes of a less denomination than ten dollars. Now, he was not about to inquire into the expediency of discontinuing the circulation of bank notes under ten dollars, or into the expediency of making the currency consist of gold and silver only; this might be right. It was to the right to exercise this power, without the sanction of Congress, that he should call the attention of the Senate. Where did the Secretary derive this power, conferred on Congress alone by the consti-

tution, and reserved by it from the Executive himself? The power of taxation was not much greater than the power of determining the thing on which taxes should be paid. Give him the latter power, the right of determining the modes of taxation, and he could make it nearly equivalent to the power of taxation itself. Now, if the Secretary of the Treasury could declare what should be the currency of the country—if he could regulate these banks without the authority of Congress—this power was capable of being rendered equivalent to the tax-laying power.

No man of ordinary prudence and forecast could contemplate the existing state of things without the most serious alarm. It was impossible that they should continue; that eight hundred banks should go on, from day to day, to issue so much paper, and that the twenty-four sovereignties should submit to it. It was utterly impossible but that an explosion must come; though when it would come, he could not pretend to say. They might differ there about the cause of it, but come it certainly would. There was a most unnatural state of things presented—abundance on the one hand, and scarcity and pressure on the other. What was the cause of this pressure? One cause was the vast portion of public revenue locked up in the vaults of these banks, or loaned out by them to persons who might not be able to return it promptly; and, if they looked to the state of the public pressure, they would find something to support this opinion. Where was the greatest pressure at the present moment? It was at the points where the greatest amount of revenue had been collected and deposited that the severest pressure was felt; and of these points the city of New York, being the greatest both for collection and deposite, they had every reason to believe, from the accounts received, suffered the most from pecuniary pressure. Let us look, said he, at other points—at cities where the collections were not so great, and where comparatively little was deposited. Take Louisville, for example, or any of the cities on the western waters. At Louisville, where capital always found a ready employment, there was no pressure, and the course of exchange demonstrated a state of prosperity and security. Go to Cincinnati, or to any of the southern cities, and it would be found that the measure of pressure was equal to the measure of collection. There was another cause, and that was the want of confidence, which had caused a severe pressure in the money market.

The fact of this pressure was undeniable; it was severe and alarming, and called loudly for the application of Congress of any constitutional means within its power to relieve this distress. How was the city of New York to be relieved from the abstraction of eleven millions of dollars? She was to be relieved from the pressure only by the distribution of the money in the public Treasury, which would afford immediate relief; and immediate relief would be afforded to the banks in that city, and in those other great commercial cities of Philadelphia, Baltimore, and Boston. And was it possible Congress could adjourn without distributing this vast treasure? Among the schemes devised to dispose of this fund, was one of making large appropriations for public defence; and the term public defence had been repeated in their ears until every body was sick of hearing it.

In good old times the Commons of England or the Congress of the United States did not go to the Crown in the one case, or the Departments of State or the Executive in the other, to ask how much they could spend, but cut it down to reduce it to the proper sum consistent with economy. But now they goaded and harassed the disbursing departments to tell them how much, and what was the maximum amount they could spend. The Secretary of War, in a document highly creditable to his sound judgment and discretion, had told them how much had been expended; and it was evident he was against this extravagant system, as he had cautiously avoided indicating any sum that could be expended, and supposed they were capable of judging for themselves. But this did not suit some gentlemen; and he was called on again, and it was referred to Colonel Gratiot; and, finally, it was referred to a lieutenant in the service, who had given it as his opinion that six millions could be expended. In other cases they had not only the authority of the Secretary, but the authority of the President. But now the Secretary refers it to the same branch of the Department, and Congress was asked to expend six millions on the opinion of a lieutenant. There could be no diversity of opinion on this subject. He asked gentlemen to look at the condition of the country now, and compare it with that period when we defended ourselves so successfully against a powerful nation. Our population has about doubled since then; we had twelve ships of the line finished or on the stocks, and an additional number of frigates, and our whole coast from the Balize to Norfolk was increased in all its fortifications. He adverted to the efficient defences of New York and of the whole north Atlantic coast, and asked the Senators to look at the Canada frontier, and compare our resources and strength there with what it was in 1814, and they would find it possessed a thousand times the strength it then did. We had paid off a debt of upwards of a hundred millions, and it was ideal to compare our strength then with what it was now. The introduction of steam power on the father of rivers, the Mississippi, and other navigable rivers, baffled all calculations in figures of our strength. This thing of making these extravagant calculations in regard to fortifications, &c., was nothing but an effort to get rid of the surplus. Appropriations and expenditures were not synonymous terms. Appropriating more than they could expend would only be turning another leaf in the leger, and charging it against, instead of leaving it where it stood, to the credit of the Treasury. The appropriation of last year could not be expended. They might appropriate it as they pleased, and they could not expend it; and to leave it where it was, it was in repositories that were insecure and unsafe; and the loss of interest while it remained in these banks alone would amount to upwards of two millions per annum; and, besides the loss of interest, they ran the risk of losing the capital itself. What, then, ought they to do with it? He answered, distribute it.

These lands were acquired by cessions from States and by treaties from foreign Powers; and under either mode they came under the general powers of Congress. The lands acquired by cession were ceded in consequence of the revolutionary struggle to pay the debt of the Revolution, and to satisfy Maryland, New Jersey, and other States, for the extensive waste lands in those States. The President, in his message of 1832, had said the object for which they were ceded having been accomplished, they were then subject to the disposal of Congress, in such way as would best satisfy the several States. The deed of cession from Virginia was prior to the adoption of the present constitution, and Virginia having been a party to it, it followed that when the power was concurred in by the ceding States, it was intended to be at the disposal of the States. The power to dispose of the thing itself implied the power to dispose of the proceeds of it. In the view he had taken of it, under the treaty, the power to dispose of it was unlimited. If any Senator doubted the right of Congress to dispose of the proceeds of the lands in Florida and Louisiana, he might move to strike out those proceeds, and they would still have the means of carrying the bill into effect. He should be able to satisfy every Senator there could be no doubt of the power, if they limited it

to the deeds of cession. The language of the deed of cession was that all lands within the Territories, not granted to officers and soldiers of the revolutionary army, should be for the use and benefit of the several States, (Virginia included.) The title conveyed was to the use and benefit of the several States, (Virginia inclusive,) and not for the benefit of the Union. If the cession was not intended for the benefit of the States, the language designating the States, and Virginia inclusive, would not have been used.

But it had been said that if these lands were given to the Union for the use of the States, how could the application of it to the uses of the Union be justified? Why, because the application of it to the uses of the Union was for the benefit of the States composing it. The States had contracted debts which were assumed by the Union, and therefore to apply them to the payment of this revolutionary debt was the great object of the cession by the State of Virginia, and such application was for the benefit of the States composing the Union. If it was intended that this cession should form a consolidated fund, why was there any reference to the proportion of the burdens borne by each State of the general expenses of the Union as establishing the mode of distribution? No, the fund was to be a common fund, but the trust was to be applied like any other trust or administration; though general, in name, it was for the separate and individual use of each corporator.

Now recollect that, at the date of the Virginia deed of cession, the exactions from the several members of the Union were in their corporate capacities. Suppose, then, Virginia had paid her portion for the general defence, or chose to pay it in some other form, would she not have an undoubted right to demand her portion of this fund, or this common trust?

The measure of proportion, as provided by this deed to be shared by the States, was the measure of burdens respectively borne by each in the general expenses; the measure of contribution, and the measure of taxation. Now, what was the principle of the plan before the Senate? It adopted precisely the same measure of taxation and of burdens, varying only according to the constitution of the United States. Suppose, again, that the whole revenue of the United States was, instead of being drawn from imports, drawn from the States by direct taxation, then they would have information of what was drawn from each State. Could they not in that case allow each State to receive her proportion of this fund, and to pay the amount of her direct taxation in gross? or if a regular account was kept, would not the State be charged with her portion of direct taxes, and credited with the amount of her portion of these lands?

Suppose that, instead of the funding system which we had adopted, instead of the general Government assuming the debts of the States, each State had been compelled to provide for and make payments of its own debts, would it not, after it had been known that this grant was made for the express purpose of paying the revolutionary debt, have become necessary that this fund should be divided for the purpose of enabling the States to pay their debts? If this was not so, why did Virginia declare that these lands should be held for the common benefit of all the States, Virginia inclusive? Now, if these debts had been charged to each individual State, was there a Senator there who doubted that the States would have come forward and demanded their share of this fund? It did not seem, therefore, that the application of this money to the uses of the Union weakened the argument. The fund was so applied, and applied according to the terms of the deed.

An argument much stronger in favor of the application of the fund that was now proposed was, that they had arrived at the first application of it by inference only, because the fund being given for the common benefit of the States, it was inferred that it might rightfully be applied to the Union which was composed of the States; while for the application now contemplated they had the direct sanction of the deed of cession. If the old articles of confederation had remained in force, there would have been no difficulty as to this distribution, as each State would have paid its own share of the common burdens, and would have been entitled to receive her proportionate share of the fund. The mode of taxation, however, had been changed, and was now laid on consumption, as the only rule by which they could approximate so nearly to equality. And what other rule could approach so near? Taxation on consumption was in proportion to population; and, by following it up, they in this bill adopted the same rule; that is, the burden of taxation being on the population of the States, the distribution was to be made according to it generally. This rule of distribution was fair, just, and in conformity with the terms of the deed of cession. Did it not rest on the grounds of principle and reason? The uniform practice of the Government, down to this very day, had been in conformity with this exercise of its power over these lands. He never knew this power to be questioned until the veto of the President. All the Presidents, Mr. Madison, Mr. Jefferson, Mr. Monroe, and Mr. Adams, had administered the Government in conformity with this power. What had the public lands been distributed for? For almost all the purposes of the country; for internal improvement, for education, and for beneficent purposes. By a humane policy, they granted lands to the expatriated Poles. They granted lands to the French; and although they were given ostensibly for a designated purpose, yet in fact the grants were an absolute bounty. It was true that Congress had gone too far on some occasions, but all uniformly acknowledged that they possessed the power to make the grants. After referring to the messages of the President on the subject of the public lands, Mr. C. said that, supposing this power of Congress over the public lands to be incontestable, the Senator from New York [Mr. WRIGHT] contended that there was nothing to distribute. If this were so, the gentleman objected to the bill with some reason; for if it were true that there was no surplus to distribute, it was not right that this bill should pass. But the Senator had met with his match in his friend from New Jersey, who had most ably refuted all his positions, and shown clearly that all his calculations were founded in error. Mr. C. then entered into various calculations to show the amount of the surplus revenue, with that accruing, and replied to Mr. WRIGHT'S argument, that the military bounty lands, the purchase of Louisiana and Florida, and various other offsets, should be taken from the proceeds of the land sales, before they could be called nett proceeds. Mr. C. contended, as had been done by Mr. CRITTENDEN, that the jurisdiction only over Louisiana and Florida was of far greater value than the amount of their purchase, and that the revenues derived from New Orleans and Mobile alone (the claim of Spain to the latter having been quieted by the Florida purchase) would pay for these two provinces over and over.

Louisiana was purchased for the peace and security of the country, and human figures could hardly reach the benefits of this acquisition under the treaty of 1804; and so of Florida. There was then virtually a Texian war going on, and we took possession of the country. He alluded to a document, draughted by Mr. Madison, which had been pressed upon him by Mr. C. The joint possession of Mobile and Pensacola, by the treaty of 1818-'19, would alone justify the sum of money paid for that accession of territory. Looking at the great commercial advantages secured, and the constant emi-

gration opened out by it with a statesman's eye, and such as the Senator from New York [Mr. WRIGHT] had, he would no doubt have seen the great benefits derived from it, and that not one cent of those charges he had made were chargeable to the public lands. The policy of removing the Indians beyond the Mississippi was not for the purpose of getting the public lands; and the expense of removing them was not a fair charge upon them. The amount of the two items, in the purchase of Louisiana and Florida, was about thirty millions.

The whole product of the public lands was eighty-three millions; and eleven millions and upwards, deducted for bounty lands, would leave upwards of seventy-one millions. Take the whole claimed by the Senator from New York, [Mr. WRIGHT,] the entire cost of removal and interest, and the amount would be about twenty-four millions; so that, however the account was stated, there was a surplus remaining of about twenty-four millions.

The Senator from New York had objected to that feature assigning ten per cent. to the new States. He (Mr. C.) had been unjustly charged with feelings of hostility towards the new States; and he thought it particularly hard for the Senator from Mississippi yesterday to question the equity of this provision. He believed that Senator had questioned its equity, but not its justice.

[Mr. WALKER said that he had already explained that it was not against the equity of giving this 10 per cent. fund to the new States, because he believed that it was not as much as they were entitled to. He had only said that, taking the gentleman's argument, there was an inequality in this grant.]

He (Mr. C.) would show that if any thing was wrong in that provision, it was not in not assigning enough to the new States. The principle was founded upon the measure of burdens. It gave to the people in equal proportion to their burdens. He went into a calculation to show that there was an increase of six per cent. of population of the new States over the old. The mode of taxation now pursued was not by direct, but by indirect taxation. The measure of taxation was a measure of burden. The burden was a taxation paid on the direct consumption. It would take up too much time to go into a detail of the increases of all the States. The nearer they got to the period when the next census should be taken, the more unequal it would be in regard to the new States; and as he had not time to make the calculation, he had put it at ten per cent. The increase of population was where there was the greatest amount of sales. The greatest increase of population was in the new States, and as they increased more in population they got more of the ten per cent. By taking into the account the advantages accruing from the acquisition of Louisiana and Florida in the shape of duties and direct taxes, and the great benefits derived from commercial advantages, it would expunge the debt. The Senator from New York thought the customs would dry up, and contended that the sales were not inordinate in amount, and that by 1814 we would not receive a million of dollars from them; that while the customs would be but fourteen millions, the expenses of Government would be seventeen millions of dollars, so that there would be a deficiency of two millions. How was it, he asked, that an administration that came into power on the principles of reform was to increase the expense from thirteen to seventeen millions? But he said it would be caused by the increase of population. The machinery of Government, Mr. C. said, was the same in an increase of population that it was now. The salaries of the President and pay of officers of the Government would be the same as now. The late Secretary (Mr. McLane) had estimated the expenses at only fifteen millions, and the late Senator from South Carolina, since Governor of that State, (Mr. Hayne,) had estimated them at twelve millions. The Senator from New York had not served the Senate with any data to show the increase from thirteen to seventeen millions. He did not wish to see any of the protected articles, in the great principle of compromise, touched; but if it should become necessary, other means might be resorted to, without touching them.

There was one feature in the compromise bill which was a most happy one, and he was delighted at having borne an important part in that measure. The whole country seemed to have been satisfied with it; and, best of all, his late friends, the manufacturers, whom he would be the last man to desert, and whose interests he had always supported, had found that it was the best measure that could have been adopted for them. That feature was this: There was a large class of articles on which the power of taxation was reserved, and the taxes on which might in an emergency be increased without violating the spirit of the compromise. They had many luxuries which might be taxed, if the revenue should fall short. In their anxiety to reduce the duties, they had diminished the duties on silks and wines—articles which might well bear increased taxation. Why, sir, (said Mr. C.,) we may have abundantly enough of revenue for all the wants of the Government, without resorting to loans or the lands, simply by taxing luxuries. Mr. C. then went on to show that the receipts of the customs would probably increase instead of diminish. There was reason to believe that, unless a paper explosion took place, the revenues of this year would be greater than the last. The first quarter of the year was estimated at five millions, and the whole customs of the present year would be upwards of twenty millions. They might reasonably calculate that the revenues of the coming years would be in proportion to the wealth of the country and its ability to consume. It was absurd and out of reason to suppose that there would be a deficiency from the customs.

Mr. C. having shown, as he said, the power of distribution, and the ability to make it, next went on to show the expediency of the measure. It had been objected that, if they once commenced this system, they would not be able to get rid of it. Why, he would ask, were they afraid to trust the States? Recollect, he said, that the whole was founded in the confidence of the people, and if they found that the system was not a good one, it would undoubtedly be repealed. But gentlemen could not have pronounced a higher eulogy on this bill, than by saying that, if it was once passed, they never would be able to get rid of it; for the argument inferred that the beneficial effects of it would be so sensibly felt by the people, that they would not be willing to give it up. Could there be a measure, he said, more calculated to promote the peace, happiness, and harmony of the Union, than this? It settled, for ever, that distracting question of the right to appropriate money for internal improvements. Could it be believed that the States of the West would continue to be satisfied with the vast expenditures of this Government on the seaboard? The day would come when the united West and Southwest would demand that this unequal distribution should cease. But pass this bill, and that question would be quieted for ever. The distribution among the States would place in each a fund amply sufficient for all the great purposes of internal improvement and education, to be applied as the States thought proper. There would be no further call from the States for appropriations for these purposes; and was there not great fitness in enabling the States to act for themselves, without asking for the bounty of the general Government? It was impossible to imagine any thing more fitting or more proper, with regard to the new States as

well as the old. He would call on gentlemen of the West to give up their vain idea of appropriating this immense domain to themselves. What hopes could they have of success in their graduating projects? Let them look at the votes of this session, and say whether there was any chance of their ever carrying them into effect. Were they nearer to the accomplishment of their plans now, than they were ten years ago?

The more these graduating projects were discussed before the people, the greater would be the opposition to them. This plan of measuring the value of the lands by the bed of Procrustes, and putting lands worth twenty dollars an acre down to fifty cents, because some were not worth more, would never meet the approbation of an intelligent people. And in the mean time, what were they losing, while they were looking after an object that could never be gained? They passed by a measure promising the most incalculable benefits, aggrandizing their States, and enabling them to keep pace with their neighbors in internal improvements, and ameliorating the condition of their people. These were practical, tangible benefits, which should not be lost sight of in planning wild and visionary schemes, which could never be realized. Mr. C., after eulogizing the land system, predicted that the time would come when a measure of this kind would be adopted by a large majority, if it failed now. His life for it, he said, this measure would, political opinions apart, find advocates where it now had opposers. He called the attention of gentlemen from the new States to the gradual reduction of the quantities of unsold lands in each State, and the increasing favor this must procure for the scheme of distribution. As the lands in the new States were sold off, the interest of each in the lands within it lessened, while their interest in the lands exterior to them increased. Ohio might already be said to be an old State, and Indiana and Illinois were rapidly becoming so; and all theseStates would in time stand nearly in the same relation to the public lands that the old States now did. The argument of the Senator from New York, that the States would be reluctant to give up the proceeds of these lands, when the honor or interest of the nation required it to go to war, was little complimentary to their patriotism of public spirit. As well might the gentleman carry the argument a little farther, and say that people were not to be trusted. But he believed that one of the most favorable features of this bill was, that it imposed some sort of restraint on that natural proneness of republics to go to war.

In controversies with foreign nations, it was natural for the people to take part with the Government. The remark of the noble Decatur, "Our country, right or wrong," was one that was always felt by this people. He remembered the events of the last summer, and how near they were being involved in a war with a foreign Power; and although he did not approve of the course of the administration, yet he would have given it his most hearty support, had a war unfortunately taken place. Look at the controversy between Ohio and Michigan, and say why it was that all on one side were unanimous in favor of Ohio, while all on the other were in favor of Michigan, if it was not from the natural disposition of the people to take sides with their Government, right or wrong. This bill would have a salutary restraint on the disposition of republics to go to war, by making it the interest of the States to preserve peace. But when the honor or safety of the country required that they should go to war, who could doubt the readiness of the people to make every sacrifice to maintain them?

By passing this bill, that greatest of all interests, the interest in preserving the Union, would be greatly advanced. There were yet seven hundred millions of acres of land, lying outside of the States, unappropriated; upon which, it was true, there were some encumbrances by the unextinguished title of the natives; but from the moment the white man put his foot on the rock at Plymouth, or on the shore of Jamestown, commenced the entire extinction of that unfortunate race of people; and the Indian lands might all be counted on as a source of distribution. This system was not intended for one year alone, but for hundreds of years. In no sales for centuries to come could they imagine any but large proceeds; and could they conceive a tie more strong to bind the Union together than the fact that every year each State would share with its co-States? There were other topics connected with this subject, but he would not detain the Senate with a discussion of them at this time.

It would be recollected that this fund would remain to be distributed when they were cold and lifeless beneath the clods of the valley. Long after parties and party strifes had ceased to exist, this vast fund would continue; then let them throw aside all their predilections, and come up to the measure which would improve the country in so many ways, and suppress all this excitement caused by not distributing that which justly belonged to the people.

When Mr. CLAY had concluded,

The Senate adjourned.

WEDNESDAY, APRIL 27.

NAVY BILL.

On motion of Mr. SOUTHARD, the Senate proceeded to consider the bill making appropriations for the naval service.

The question was taken on the amendments proposed by the Naval Committee, and the question on the first seven amendments; which were agreed to.

The question being on the eighth amendment, viz: to insert: "For the purchase of sites, and the erection of barracks, near the navy yards at Charlestown, Brooklyn, Gosport, and Pensacola, $200,000."

After a brief explanation from Mr. SOUTHARD, this amendment was agreed to.

The following amendments, reported by the committee, were also agreed to:

"For building a dry dock at Brooklyn, $180,000;

"For completing the steam vessel now building at the navy yard at Brooklyn, $150,000;

"For navy hospitals, $45,410;

"For completing the powder magazines near New York and Boston, with the landings, enclosures, and dependencies, $19,200.

"*And be it further enacted*, That an exploring expedition to the Pacific Ocean and South Seas be, and the same is hereby, authorized and directed, and that the President of the United States be, and he is hereby, authorized to prepare, and send out for that purpose, a sloop of war, and to purchase or provide such other smaller vessels as may be necessary and proper to render the said expedition efficient and useful.

"*And be it further enacted*, That the use of so much of the appropriations for the support of the navy, and other means and facilities under the control of the Navy Department, as may be necessary and proper for that object, be, and the same is hereby, authorized; and, in addition thereto, the sum of one hundred and fifty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated."

Mr. SOUTHARD moved to reconsider the vote b which the first amendment was agreed to; and this motion having prevailed,

On motion of Mr. SOUTHARD, the sum contained in this amendment was reduced by deducting $52,257 75 for pay of the officers and men of two vessels which

could not be prepared for service during the present year.

On motion of Mr. SOUTHARD, corresponding reductions were made in other amendments.

The bill was then reported to the Senate as amended.

Mr. HILL asked for the ayes and noes on the first amendment, which increases the appropriation for the pay of the navy from $1,974,178 91 to $2,544,338 16, and they were ordered.

The question was then taken on concurring in the amendment, and decided as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Clayton, Cuthbert, Davis, Ewing of Illinois, Goldsborough, Grundy, Hendricks, Hubbard, King of Alabama, Knight, Leigh, Linn, McKean, Mangum, Morris, Nicholas, Niles, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tipton, Tomlinson, Walker, Webster, White, Wright—37.

NAYS—Messrs. Ewing of Ohio, Hill, King of Georgia, Moore, Naudain—5.

The other amendments were then concurred in.

Mr. HILL moved to reconsider the vote by which the amendment appropriating money for an exploring expedition was agreed to; but the motion was negatived.

The question being on the engrossment of the amendment,

Mr. HILL asked the ayes and noes; which were ordered.

The question was then taken, and decided in the affirmative: Yeas 44, nay 1.

FLORIDA WAR.

Mr. WEBSTER, from the Committee on Finance, reported, without amendment, a bill from the House making further appropriations for the suppression of hostilities in Florida, and asked of the Senate to act on the bill at this time.

The bill was then considered, and ordered to a third reading.

A bill from the House, authorizing the President of the United States to accept the services of volunteers in certain cases, and also of mounted riflemen, was read twice, and referred to the Committee on Military Affairs.

Mr. WHITE moved the Senate to proceed to the consideration of executive business, for the purpose of considering important business, which ought to have been acted on.

Mr. CLAY stated that he had been unable to read the voluminous papers which belong to this matter, but expected he should be able to get through by to-morrow or the day after.

After a few words from Mr. CALHOUN, of similar import, the motion was negatived.

LAND BILL.

The bill to appropriate for a limited time the proceeds of the sales of the public lands among the States, and to grant lands to certain States, was taken up as the order of the day.

Mr. BENTON moved to postpone the bill, for the purpose of taking up the bill making appropriations for fortifications.

Mr. B. would take the sense of the Senate in the most formal manner on this mode of proceeding with the business of the country. It was now the end of the fifth month of the session, and scarcely a bill for the service of the country had yet been passed. He had been fifteen years a member of the Senate, and had never seen the parallel of it before. Not to go into the enumeration of the immense number of bills lying upon the tables, and not acted upon, here was the fortification bill, reported in January from the Military Committee, and not yet acted upon, although there were no appropriations for fortifications last year. The Senate and the House had both engaged in ample discussions, to show who was in fault for the failure of the fortification bill last year; no such discussion would be necessary to show who occasioned the virtual defeat of it this year. Mr. B. considered the fortification bill for the present year as virtually defeated. The year would be half out before the appropriations would be ready; and by that time the season for work in the South would be gone by; and in the Middle and North, workmen and laborers would be engaged for the season; and the United States would find it difficult to obtain laborers, and be under the necessity of paying enhanced prices for them.

His present motion was intended to bring things to an issue; it was to have the sense of the Senate formally taken upon the question of proceeding with the fortification bill; and therefore he should move, and should ask the yeas and nays upon it, to postpone the land distribution bill for a week, and in the mean time to proceed with the fortification bill, and afterwards with all the bills for appropriations and for the defence of the country. The distribution bill was now the antagonist, not of fortifications only, but of every bill for the service of the country. It was the antagonist of every bill that tended to diminish the mass of money for distribution. Many were the bills which had already suffered under it; too many to be enumerated; but the fate of one, that of the Cumberland road bill, was too striking in itself, and too clearly characteristic of the distribution policy, and its effects upon the country, to be overlooked. This bill was to carry on the oldest and best-established work of internal improvement in the country; one resting upon compact, and sanctioned by every administration from Mr. Jefferson's time to the present day. This road was to go to the Mississippi, at the least, and appropriations for it were brought in early in the session. What was the fate of that appropriation? A sacrifice to the distribution scheme! It was resisted for many weeks, the amount reduced, and a determination openly announced to discontinue the only thing that could give it any value, that of making it permanent by Macadamizing or gravelling. Thus the Cumberland road has fallen a victim and a sacrifice to the distribution spirit; and the fate of that bill is to be the fate of many more. At present the fortifications are to suffer, and may be considered as defeated for this year. Thus far nothing has been done; all bills for the service of the country have been delayed and postponed; all the heavy appropriations have been kept back, and for a purpose which is perfectly understood in this chamber, and ought to be understood by the country. It is to make a surplus? It is to make a fictitious, delusive, and unreal surplus, to excite the cupidity of distributees, and to form the new rallying point of the same party which has had the career of so many new projects and changes in a few years past. They now proclaim a surplus of thirty millions in the Treasury; and how have they got it there? By stopping the appropriations; by delaying every bill that they can; by cutting down every appropriation to the lowest dollar! By these tactics, they have succeeded in damming up the money in the Treasury, while the business of the country has stopped for want of that money. Every branch of service is suffering for want of the money now in the Treasury, and which is ridiculously called surplus, while the officers of the Government are in vain calling for it. Mr. B. said that every person knew, or might, that officers were borrowing money, or getting public money without law, from banks, to carry on the public business, while Senators here are proclaiming a surplus of thirty millions, and absolutely refusing to go on with appropriation bills, and giving all their time and all their pathetic eloquence to the

miseries of an overburdened Treasury. More than that, salaried officers, with pay due them, are borrowing money at usury, for the support of their families, while we sit here refusing to vote their pay, and indulging in sorrowful lamentations over the impossibility of ever getting rid of the public money, except by dividing it out. They are shedding real tears over their empty pockets, while we are shedding fictitious and crocodile tears over the fulness of the Treasury. Such were the first fruits of this most fatal and ruinous policy of distribution. It would soon manifest its hideous spirit in the defeat of the most important and the most necessary bills; and he, (Mr. B.) without treading upon forbidden ground, might allude to what was publicly known, that a treaty had been made with the Cherokees last year, requiring five and a half millions, and another with Indians in Michigan, for a million and three quarters; and that now, at the end of five months, neither of these treaties were acted upon! and could not be passed without putting an end to this lamentation about the surplus. Every thing had to be kept back to swell a surplus, to make an ostensible amount in the Treasury; and then every thing that could be defeated would have to be defeated, in order to save that ostensible surplus for distribution. Hence a new and fell spirit was brought into our legislation; a spirit wholly intent upon getting at the money in the Treasury, and pushing aside, trampling down, and cutting off, every measure for the good of the country, which threatened to take a dollar from this adored surplus. How is it, said Mr. B., with this bill? What right has it to take precedence over the fortification bill, and the other bills for the service of the country? Surely the supplies ought to be voted before the excess is thrown away; surely the surplus ought to be ascertained before it is distributed. This is regular and natural; but if it was done, the surplus scheme would be blown up. All the money in the Treasury, and more too, would be appropriated; the thirty millions would be gone; and the duped and deceived distributers, who are now, each one, with slate and pencil, calculating the amount of his share, would find that the vision had vanished, the mountain had disappeared, and the appropriation bills had covered every dollar that he was counting up for distribution. This was the true reason for pushing the distribution bill; this was the true reason for keeping it ahead of all other bills; if it were postponed until after the bills for the service of the country were passed, then the delusion of the surplus could not be kept up. Even now, within this hour, by the good fortune of getting the navy bill and a Florida war bill through, we had reduced the surplus between seven and eight millions; yet those seven or eight millions will still flourish in the speeches of gentlemen. Suppose these bills had been passed two months ago, and the Indian treaties ratified two or three months ago, then half the surplus would have been gone, and a great many fine speeches spoiled. This would have been the consequence of proceeding regularly and naturally, and ascertaining the surplus before it was used. Even now, if the administration party in the Senate is strong enough to bring on the business of the country, if that party is strong enough to vote money for the service of the country, and to ratify treaties, two weeks will explode this bubble of a surplus, and show every dollar in the Treasury, and more too, covered by appropriation bills, and in a regular course of expenditure for the public service.

The question was then taken on Mr. BENTON's motion to postpone, and lost: Yeas 20, nays 26, as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Morris, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wright—20.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—26.

Mr. BENTON remarked that some gentleman might have voted against his motion, because the postponement was to a day certain. He would now make another motion, which was to lay the bill on the table, for the purpose of taking up the bill making appropriation for fortifications.

This motion was also decided in the negative: Yeas 20, nays 26, as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Morris, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Wlaker, Wright—20.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—26.

Mr. EWING, of Ohio, moved to amend the bill by striking out all after the words "United States" to the words "thirty-six," in the seventh line, and insert: "one fourth part on the fourth day of July, 1836, and one fourth part at the end of each ninety days thereafter, until the whole shall be paid;" which amendment was agreed to.

[The above amendment fixes the periods of distribution.]

Mr. ROBINSON here moved the following amendment, to come in as an additional section:

SEC. —. *And be it further enacted*, That all lands belonging to the United States which have been, or hereafter may be, subject to entry at private sale for twenty years and upwards, and have not been sold, shall hereafter be sold at one dollar per acre, and at a reduction in price of ten per centum every five years, until the price of such lands be reduced to fifty cents per acre.

Mr. WALKER said he would be glad if the gentleman would confine his amendment to actual settlers. Too much of the public lands was now taken up by speculators, and if the reduction was made in favor of all purchasers, the public domain would pass into their hands with little benefit to the cultivators, in whose favor the gentleman no doubt proposed his amendment. He would therefore move to amend the amendment of the Senator from Illinois, by adding the following:

Provided, That no person, under the provisions of this act, shall be authorized or permitted to enter, at the prices specified by this act, more than three hundred and twenty acres, or two quarter sections, in subdivisions not less than a quarter-quarter section, in his or her own name, or in the name of any other person, for his or her own use, and in no case, unless he or she intends it for settlement or cultivation, or the use of his or her improvement; and the person applying to make an entry under this act shall file his or her affidavit, under such regulations as the Secretary of the Treasury shall prescribe; that he or she makes the entry in his or her own name, for his or her own benefit, and not in trust for another: *And provided, also*, That no patent shall issue to any person making said entry, until three years thereafter; and that any sale, contract for sale, lease, or contract for lease, of said lands so entered under the provisions of this act, which may be made prior to the emanation of the patent, shall be utterly null and void, and shall operate as a forfeiture of the title to the United States: *And provided, also*, That said entry shall not be made at the reduced price, unless it is proved, under such regulations as the Secretary of the Treasury shall prescribe, that said applicant at the date of said entry

was in possession of said tract proposed to be entered, or cultivating the adjacent tract.

Mr. CLAY observed that the proposition of the Senator from Illinois [Mr. ROBINSON] was to reduce the price of all lands which have been in the market twenty years, down to fifty cents per acre, making a reduction of ten per cent. every year for a period of five years. The proposition of the Senator from Mississippi [Mr. WALKER] was to confine the proposed reduction to what he considered actual settlers. He must repeat, that he had the most insuperable objections to any alteration of the existing prices of the public lands. According to the proposition of the Senator from Mississippi, the person making the entry must file an affidavit of his intention to settle and cultivate the land. Now, who could know what any man's intention was; or how could it be proved, should he violate his contract, that it was not his intention, at the time of making the affidavit, to fulfil it? Could he not say that such was his intention, and that he changed his mind? It was true that the patent would not issue for three years, yet that would not prevent the person making the entry from getting it, even if he did not settle and cultivate the land. He believed that the effect of the introduction of the principle of graduation would be this: it would throw the question of reduction before the new States, which would continually agitate them with hopes of further reduction. The question of reduction would be brought into the elections, and candidates would build their hopes on it. If they looked to the land sales, they would find there was no reason for reduction, as they had increased to such an extent that they would this year amount to twenty-four millions. There was no earthly motive for the reduction, as respected the sales and the consequent settlement of the public lands. The new States were increasing at a ratio of 87½ per cent. in a term of 13 years, while the old States were increasing only two and a half per cent. Indeed, some new States were increasing at the rate of 18 per cent. per annum, and Mississippi was increasing at a still greater ratio. The settlement of the public lands was sufficiently rapid for all safe and salutary purposes, and for the well-being of the new States themselves. Any plan of the reduction of prices would only tend to increase speculation, and the interests of the new States, as well as the old, were actually opposed to it.

Mr. WHITE said if the gentleman would modify his motion, so as to require the person declaring his intention to settle to be the head of a family, to make an actual settlement on the land, and to continue to reside upon and cultivate it for three years, with a provision that it shall be forfeited to the Government if he removed or transferred the land within that period, he would vote for it; otherwise he must be compelled to vote against both the amendment of the Senator from Illinois and that of the Senator from Mississippi.

Mr. WALKER replied that, if the Senator from Tennessee would confine his restriction on the settler to one year, he would agree to it. It would be a hard condition on the settler to compel him to reside three years on the land before getting his title. He wished the amendment to apply not merely to the actual settlement, but to the actual settlement and cultivation. He thought that a cultivator who resided on a small tract, and wished to increase his cultivation by entering the adjoining tract, should be permitted to do so.

Mr. ROBINSON could not give his assent to the amendment of the Senator from Mississippi, because it would produce injurious effects, and was not at all necessary, because his amendment went on the principle that the lands that had been in the market for twenty years were not worth more than one dollar per acre. He did not know how it was in the other States, but he knew that in Illinois it was better for a man to give $1 25 for fresh lands, than to have these refuse lands given him for nothing. The reduction was so gradual and so small that he was surprised that any objections had been made to it. There was no inducement for any human being to enter these lands for any purpose whatever, except actual settlement and cultivation. His plan would offer no inducements whatever to speculation, and he hoped that this moderate reduction, so long asked for by the new States, would be made.

Mr. PORTER said that the amendment was only intended to secure the rights of the poorer class of persons who might make settlements on the public lands, and he would therefore vote for it.

The question was here taken on Mr. WALKER's amendment, and it was lost.

The question then recurring on Mr. ROBINSON's amendment, Mr. EWING, of Ohio, suggested to him that he would obtain more favor for it by adding the words "twelve and a half" after the word "dollar;" which Mr. R. agreed to, and modified his amendment accordingly.

Mr. WHITE moved to amend the amendment by providing that the person making the entry should be the head of a family, and continue to reside on the land for three years before receiving his patent, and that in case he removes from or transfers the land, it shall revert to the United States; prefixing to it the first part of Mr. WALKER's amendment.

After some remarks from Mr. WALKER,

Mr. PORTER observed that he did not want to enter into a discussion with the Senator from Mississippi as to the relative merits of Mississippi and Louisiana. He only rose to notice some remarks of the gentleman, which deserved the most serious consideration. The policy of the Government had been to remove the Indians from the new States, and to throw them on the frontiers; and had he known as much when this policy was first put into operation, he would have protested against it with all his might. The Indians had been taken from the places where nature intended them to be, and cast upon the borders of his State, from whence, in time, they might prove a source of the most serious annoyance and danger. They were now in such numbers upon the frontiers, that it only required some master spirit among them—some Tecumseh—to stir up a war which would carry blood and desolation from the Mississippi to the banks of the Sabine.

Mr. LINN returned thanks to his honorable friend from Louisiana for coming to his aid, and for the opinions expressed on this occasion. Yes, sir, a genius of the commanding character of Tecumseh, possessing a mind to concur, and a hand to execute, could form combinations among the discordant elements that would set that whole border in a blaze. They are our hereditary enemies, and we may expect such combinations. From the moment the foot of the first white man touched the soil of this continent, a system of injustice and aggression commenced towards the Indians, which has been persevered in and perfected, until they find themselves on the confines of the great western plains, far from their homes and the graves of their fathers. Their hatred, therefore, is natural. But the laws governing population can no more be stayed than the tides of the ocean. Cain slew Abel, and the farmer will ever possess power over the hunter or herdsman. The Indians are therefore a doomed race; treat them with all the kindness and humanity in your power, and to this melancholy complexion it must come at last. To relieve the old States from the evils of their presence, they have been placed along the western line of frontier. Against the danger to us of their existence there, you will surely not refuse us protection, ample protection. But should Congress, in a moment of delusion, refuse, we will be com-

pelled, reluctantly compelled, to resort to the first law of our nature, necessity, for protection. Should the hour of trial come, we will be forced either to kill off your Indians, or by reversing the kind and humane policy of the Government which has ever exerted its influence to prevent collisions between the different tribes, excite them to kill each other off. It will be for Congress to say whether either horn of the dilemma should be presented us. He said he found himself wandering from the object which induced him to obtrude himself on the notice of the Senate. He rose merely to state, that for months previous to the celebrated Black Hawk having crossed the Mississippi to commence the war which afterwards raged, he had despatched emissaries to every tribe from the Mississippi to the Sabine, with a view to form combinations, and holding out inducements to the different tribes, to make a simultaneous attack on the whole line of frontier. He said, from the information which had been imparted to him, and which came from a source every way to be relied on, he felt himself perfectly justified in asserting that if Black Hawk had gained a decisive battle, such an assault would have been made, the consequences of which would have been such as to harrow up every feeling of the soul.

That such combinations will take place, no reasonable thinking man will permit himself to doubt. If, when the Indians resided in the very heart of many of the States, surrounded by a white population, they broke through all restraints and commenced war, what may we not expect from them in their present position? Why, sir, we may expect, whenever it suits their thirst for plunder or revenge, to have our exposed borders attacked, our women and children to pass under the tomahawk and scalping-knife, and our property destroyed. They can burn, plunder, and destroy; and if met at length by an overpowering force, they can fly to the boundless plains behind them, where they can sustain themselves on the countless herds of buffalo that roam over these plains, until such period as they may think proper to renew the attack.

Nothing, at some future day, will prevent this state of things, but the presence of a force sufficiently great to overawe the disaffected, and restrain the unruly. The presence of such force is due to them from humanity, and to us from justice. He said that, previous to his arrival here, this subject had excited his attention; and among the first measures proposed by him was, a depot of arms, a military road from the Mississippi to Fort Gibson, and an increase of the military forces of the United States. On the latter subject, (on a call made by him,) the Secretary at War had sent to the Senate an elaborate and interesting report, recommending an increase of the army, on which the Military Committee reported a bill. When that bill comes up for consideration, he would, perhaps, take part in the discussion, and give his opinions more at large.

On taking the question, Mr. WHITE's amendment was lost: Yeas 20, nays 21, as follows:

YEAS—Messrs. Benton, Buchanan, Crittenden, Hendricks, King of Alabama, Knight, Linn, McKean, Mangum, Moore, Nicholas, Porter, Prentiss, Preston, Ruggles, Shepley, Swift, Walker, Webster, White—20.

NAYS—Messrs. Black, Brown, Calhoun, Clay, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hill, Hubbard, Kent, Morris, Naudain, Niles, Rives, Robbins, Robinson, Southard, Tallmadge, Tomlinson—21.

The question was then taken on Mr. ROBINSON's amendment, and it was rejected; as follows:

YEAS—Messrs. Benton, Black, Davis, Ewing of Illinois, Ewing of Ohio, Grundy, Hendricks, King of Alabama, Linn, Moore, Morris, Nicholas, Porter, Robinson, Walker, Webster—16.

NAYS—Messrs. Brown, Buchanan, Calhoun, Clay, Clayton, Crittenden, Goldsborough, Hill, Hubbard, Kent, King of Georgia, Knight, Leigh, McKean, Mangum, Naudain, Niles, Preston, Prentiss, Rives, Robbins, Shepley, Southard, Swift, Tallmadge, Tomlinson, White—27.

The bill was then reported to the Senate; and the amendments made in committee being concurred in,

Mr. BROWN here moved to strike out that part of the bill which gives the ten per cent. fund to the new States.

Mr. MANGUM did not like the provision in relation to Missouri and the other new States. He thought it gave them more than they were justly entitled to. But he had made up his mind to vote for it on the principle of a compromise. But if taken out of this bill, he would not vote for it in a separate bill.

On taking the question, Mr. BROWN's motion was rejected by the following vote:

YEAS—Messrs. Brown, Buchanan, Cuthbert, Hill, Hubbard, King of Georgia, McKean, Mangum, Niles, Ruggles, Shepley—11.

NAYS—Messrs. Benton, Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hendricks, King of Alabama, Knight, Leigh, Linn, Moore, Morris, Naudain, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Southard, Swift, Tomlinson, Walker, Webster, White—22.

Mr. BENTON would now make the motion for which he had given notice some days ago, namely, to strike the name of Missouri from the enumeration of States to which the grants of land were to be made. He repeated what he had often said, that it was an injury and an insult to those States to have their grants imbodied in this bill. He had brought forward the bill for the grant of Missouri before this land distribution bill had been thought of; it had been amended by the addition of the names of Louisiana and Mississippi, had been considered and agreed to by the Senate, ordered to be engrossed for a third reading, and actually engrossed and read the third time, when it was laid upon the table to be diverted from its passage, and to be incorporated in the provisions of this distribution bill.

This distribution bill had been vetoed by the President, and the grants to the new States, including the additional quantities to Alabama, Indiana, and Illinois, had all shared of the fate of the bad company in which they were found. They fell under the veto, not for any fault in themselves, but because they were connected with a measure in which the President found insuperable objections. Thus these six States had lost their grants for four years. Now, they are in all probability to share the same fate again. They are again put into that bill; that bill is more objectionable than it was before. Judging from the President's public messages, it was unquestionable that he would again affix his veto upon the bill if it went to him; and thus the States might be again defeated of their grants. It might be thought by the opposition members that they could break down the President by these vetoes. They might think that they would rouse the new States against him on account of the loss of these grants; but this was a mistake—one of those numerous mistakes into which the opposition were constantly falling, and which resulted from their underrating the intelligence and virtue of the people. Every man in the new States knows the state of this proceeding. They understand the subject too well to be the dupe of these crooked tactics. They know that Ohio has had a million of acres of land for internal improvement; that Alabama, Indiana, and Illinois, have had three or four hundred thousand each; that Missouri, Louisiana, and Mississippi, have had nothing.

They know that Ohio received hers in a bill by itself, a bill resting on its own merits; and they know that they ought to have theirs in the same way. They know that bills have been brought in for that purpose, and that the friends of the distribution bill have caught them up and put them into the distribution bill, where they have been once vetoed, and where they must be vetoed again. All this they know, and must feel indignant at the insult to their understanding and the injury to their interest which this conduct involves.

The calculation upon destroying the popularity of the President by these tactics is all in vain. The people know who to blame. They know where to point their indignant resentment. They know that the wrong to them lies not in the veto which rejects their grants with the land bill, but in the original act of stopping their grants, and putting them into the land bill, and putting them there to be vetoed! The authors of the land bill are the opponents of the President; they want to overthrow him, and for this purpose, among others, they mix up all these grants to the new States in this distribution bill, that he may veto all together, and thus a great storm be raised against him. But it will not do. The people are neither ignorant nor corrupt. They can neither be divided nor seduced. They know that every Senator who votes for putting these grants into the distribution bill, and then votes for the distribution bill, is in effect voting for putting the grants where they are to be defeated. With those who vote to put them and their vote against the bill, it is different. They may have a laudable object in view; the object of getting a vote for the grants in one shape, after which they will have a right to expect the same Senators to vote for them in another shape. Mr. B. then made his motion, that the name of Missouri be stricken out of the bill, &c.

Mr. LINN said it was far from his intention to vote for this bill, nor did he believe it could become a law, after what was known of the deliberate opinions of the Executive, as expressed in his veto on this, or a measure of a similar kind. Still he had no wish to see this five hundred thousand acres of land for Missouri left out of the bill. He would not only vote to retain this, but also vote for the five hundred thousand acres in his colleague's bill. His friends appeared to be amused at the extravagance of his demands and wishes; but, before he was done with the subject, he would convince them that the whole amount was not too much for Missouri, and that it was intimately connected with grave and serious considerations. By granting a million of acres, it could be employed in constructing a line of railroad from the point where the Cumberland road will terminate on the Mississippi, to the western boundary of the State, connecting it with the road marked out by authority of the United States, to the Mexican frontier. On it could surely and swiftly be transported arms and munitions of war, and, when necessary, any number of men, to repel sudden incursion or avenge outrage. He implored the Senate to look at the great western frontier from the Falls of St. Anthony to the Gulf of Mexico, and the examination he was sure would produce feelings of sympathy for the situation of the people of Louisiana, Arkansas, Missouri, and Wisconsin. The existence of numerous tribes of Indians, claiming to be independent within sovereign States, had shaken the Union to its centre, and at one time appeared to threaten a dissolution of the confederacy. To get rid of this embarrassing subject, and to save the Indians from destruction, their removal to the west bank of the Mississippi was determined on by the general Government; and, following out this line of policy, tribe after tribe has been located, until the aggregate amount had become alarming to contemplate. These Indians were placed there for the benefit of the old States exclusively. Have we not, then, the right to demand from the justice of Congress all the means necessary for our defence and protection? and for that defence and protection nothing was more important than a good road on which to transport arms and munitions of war. War, he said, was at all times terrible, but a war with Indians doubly so. The tide of emigration to Missouri was flowing on in a wide stream, bearing on its bosom much that was valuable, of industry, virtue, and capital.

During the last summer, in looking at the interests of a people so suddenly overspreading the land, his attention was arrested by their extraordinary wants in mail accommodations. For the purpose of obtaining all the information necessary to enable him to act efficiently here, he addressed a short circular letter to his constituents, in which will be found the following language: "That we have not our just proportion of mail facilities, any one will be convinced by an examination of the subject. This State contributes to the revenue of the Post Office Department several thousand dollars more than Illinois, and nearly as much as Indiana; and yet we are far behind them in this respect. If there must be a disproportion, it ought to be in favor of this State, in consequence of its military position, its northern and western frontiers being darkened by hordes of Indians, indigenous and imported. We have acquiesced in the policy pursued by the general Government, in throwing clouds of savages along our borders; but it should be recollected that peace and tranquillity with them is not always to be expected, as a contest with Great Britain, or with our neighbors on the other side of the prairies, would soon have the effect of organizing and putting in motion the elements of hereditary hatred now sleeping in the bosom of thousands who roam along our frontiers. The recent conflict with Black Hawk's band should admonish that foreign influence is not always necessary to light up the flame of war between us." Recent events in Florida prove the truth of the last position, and since those lines were written, our neighbors over the prairies have brought down upon the Americans in Texas all the power of the great wandering tribe of the Camanches. We have seen within the last few months the beautiful Territory of Florida laid waste by the unexpected hostility of the Seminoles, and who to this moment are unpunished and unsubdued. Such, sir, are the scenes to be enacted from time to time on our borders.

Mr. BENTON's motion to strike out Missouri was then rejected: Yeas 6, nays 34, as follows:

YEAS—Messrs. Benton, King of Georgia, Morris, Niles, Robinson, Ruggles—6.

NAYS—Messrs. Black, Brown, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Hill, Hubbard, Kent, King of Alabama, Knight, Leigh, Linn, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Rives, Robbins, Shepley, Swift, Tomlinson, Walker, Webster, White—34.

Mr. BENTON rose to present the amendments of which he had given notice. He said that some members might be supporting the bill under the belief that they were voting to divide the nett proceeds of the public lands, when in fact the division went to the gross proceeds. Under the bill, as it stands, nothing will be deducted from the gross proceeds but the five per centum to the new States, and the one half per centum to the registers and receivers. All the other expenses of the land system; all the heavy items for salaries and expenses in the General Land Office, in the offices of all the surveyors general, in the salaries to all the registers and receivers, in surveying the lands, in the purchase of the lands from the Indians, in the annuities to them on account of lands bought, in the expense of treaties for purchasing lands, and in the expense incurred in

removing Indians from lands purchased; all these enormous expenses would still remain undeducted, and would fall upon the custom-house revenue.

Mr. B. referred to documents to show that these items would amount to many millions, perhaps to ten millions this year, and must be deducted by law out of the gross proceeds of the lands, or they would fall on the custom-house revenue, as they were now payable out of the Treasury, and the accounting officers would not notice them in ascertaining the nett proceeds. He said these items must amount to ten millions this year. Two treaties alone required seven millions and a quarter; and was this to be thrown upon the custom-house revenue, or were the treaties to be rejected in order to swell the tempting mass for distribution? The idea of nett proceeds would require all costs and all expenses about the lands to be deducted; this bill, as it stands, will not touch their cost at all, nor an item of their expenses, except the insignificant per centum to the States and to the registers and receivers.

Mr. B. addressed the gentlemen who were opposed to the high tariff, and asked them if they wished to revive that measure? If they did so, vote for this bill, and their object would soon be accomplished. Abstract the land sales from the Treasury, throw all the expenses of the Government upon the custom-house, and there would soon be a *deficit* in the Treasury which must be filled by loans or taxes. Revival of the tariff would then be inevitable, and would be the regular sequence of the plan upon which the friends of the high tariff had acted in the compromise, and were now acting on the distribution bill. "Brother Lazarus is not dead, but sleepeth." The high tariff is not abandoned, but postponed. It was postponed because the issue of the presidential election in 1832 showed that the people were against it. It was then postponed to save it. It was openly stated by its author [Mr. CLAY] that he had taken it out of the hands of the Philistines! that he had laid it away on the shelf to rest! Now, it is regular and natural in him, by diverting the proceeds of the land sales from the Treasury, to create the necessity for supplying the vacuum from another source. The high tariff is that source, and its revival will be inevitable upon the passage of this bill. Considering this an important era in our financial history, and that the future revival of the tariff might be traced back to its true date and right cause, Mr. B. then submitted his list of items to be deducted from the gross proceeds of the sales of the lands, in the shape of the following amendments:

To come in after the words "nett proceeds"—

"which nett proceeds shall be ascertained to be the balance which remains, after deducting from the gross proceeds all expenses for the year on account of public lands, to wit:

1. Appropriations for the General Land Office.
2. Appropriations for the surveyor general's offices.
3. Appropriations for surveying public lands.
4. Appropriations for salaries and commissions to registers and receivers.
5. Appropriations for annuities to Indians on account of the purchase of lands.
6. Appropriations for holding treaties for the purchase of lands.
7. Appropriations for amounts paid within the year for the extinction of Indian titles.
8. Appropriations for removing Indians from the lands purchased from them.
9. Appropriations for the five per centum allowed by compact to the States in which the lands lie."

Mr. EWING, of Ohio, could hardly conceive how the Senator from Missouri's experience could have led him to the conclusion that nothing but the commission of five per cent. would be deducted. The item for the removal of the Indians was not properly chargeable to the public lands, for the reason offered by that Senator himself, that some of the lands cost more than they were worth, and they were removed more from political than financial considerations. It was a matter of indifference to him (Mr. E.) whether the first-named items were in the bill or not; but he thought the latter not a proper charge upon the public lands, and ought not to be put into the bill. He believed, however, those other items would be deducted by the officers of the Government.

Mr. CLAY had been alternately in majorities and minorities, and his experience had taught him the propriety of submitting when in the latter; and he would suggest to his friends in the minority on this bill, whether they had not better acquiesce in its passage. He believed the minds of the Senators were all made up, and no changes would probably be made. The position assumed by the opponents of the bill resolved itself into the question whether the waste lands, to which he had before adverted, should bear the whole burden. The object of removing the Indians was founded on the great policy of locating them at one point. He thought no part of the other amendments were necessary to be inserted in the bill, as the plain import of it was to deduct all necessary expenses of Government.

Mr. WHITE contended that the removal of the Indians was a political regulation founded on humanity, and was a burden in which all the States were alike interested, and should therefore be a common charge upon them, as it was for their common benefit, and was not properly chargeable to this fund. He adverted also to the facts in the case of North Carolina, and made some comments thereon. This burden, he said, was put on Georgia, not only in defiance of her consent, but against her solemn protest, and the Government was bound to be at the expense of the removal. The United States never had the power to cede away any of the soil ceded to her; and so it was in regard to Alabama.

After a few remarks from Mr. WEBSTER,

Mr. WRIGHT replied that this bill swept the whole public land into one bill. Suppose, said he, in one year we pay more for the purchase of lands than all the money received, would you call the amount received surplus? The argument of the Senator from Tennessee [Mr. WHITE] applied solely to Georgia and Alabama. He asked him to look at those States besides Georgia and Alabama, and answer the suggestions he had propounded. Whatever might be the facts in relation to North Carolina, the argument was not applicable to the other States. In his State they considered the Indian title a mere possessory, and were every year extinguishing it. They had there pursued for many years the policy of paying them the nett proceeds, after deducting all expenses of removal; and would it, he asked, be contended that it was not a proper charge in the case of Georgia? We were paying millions upon millions to extinguish the Indian title, and he contended it was not for the common benefit of all the States, but for the particular benefit of the States from which they were removed. He asked if Massachusetts considered it as for her particular benefit that the Indians were removed.

He thought it his duty to take these lands, and put them into the market, and apply them as a remuneration for all this money paid out. He had heard none of the positions assumed by him controverted. The question now was, whether the simple expenses of these lands themselves should be deducted from the gross amount.

The friends of the bill did not contend that, in a settlement with the Treasury, these charges were not to be deducted; but the officers, they said, would deduct them. Then, why not insert them in the bill? They denied the position that the amount paid for the pur-

chase of Florida and Louisiana should go into the debit side of the account, because we had bought the jurisdiction which they said induced the purchase, and was an equivalent for the sum paid; and the Senator from Ohio said the expenses of the removal of the Indians should not be allowed in the account, because of certain political considerations. Mr. W. went into an argument of some length to sustain the positions denied by the friends of the bill; and in reference to the nett proceeds, he desired this body to give a construction in relation to Louisiana and Florida.

Mr. PORTER, in reply to Mr. WRIGHT, said that the value of the soil was certainly no part of the object the United States had in view when Louisiana was purchased; that the objects were the sovereignty over the soil, and the outlet for the valley of the Mississippi to the ocean.

Mr. LINN said he thought his friend from Louisiana mistaken, and that he could make it apparent. France, in pursuing her great plan of uniting the Gulf of St. Lawrence with the Gulf of Mexico, had erected, at an enormous expense, a chain of military forts, around which she planted colonies under a system of land laws peculiar to herself. On transferring the sovereignty to Spain, all grants made to her subjects were to stand confirmed by the mere act of transfer. These grants were never questioned by Spain. Spain, on coming into possession of this noble province, pursued a liberal and paternal policy in relation to the granting of lands to her subjects. What, sir, he said, has been the course pursued by this Government in the acquisition of this country? Did we consider those grants confirmed by the mere act of cession? No, sir. How did we treat the ancient, simple-minded, honest inhabitants, who had lived for generations amid a wilderness, and had preserved the lights of religion in that wilderness? Was our course a liberal one? No, sir; differing from us in laws, manners, and customs, we vexed them with lawyers and unknown laws, in an unknown language, and interposed every obstacle that ingenuity could invent to prevent the final settlement of their claims to that soil which had been conquered by their valor and improved by their labor. A generation has passed off, and your tables are now loaded with petitions for justice at your hands. He said that this fighting off, inch by inch, step by step, and acre by acre, these old claims, he thought was some evidence that this Government attached value to the soil which they had acquired by money.

Mr. WEBSTER said that there were some considerations that applied with great force against this amendment. One was, that it proposed to make up an account of the lands purchased within the year as an offset against the lands sold within the year. Now, if the same lands were both purchased and sold within the year, there might be some propriety in so making up the account. There might be Indian treaties within this year for the purchase of lands costing seven millions of dollars, which would not probably be sold for ten years to come. It certainly, then, could not be just to charge this purchase against the proceeds of the sales of the year. In every light in which he viewed this amendment, he thought it ought to be rejected.

Mr. BENTON, in reply to the remarks from Mr. WEBSTER and Mr. WHITE, reiterated the allegation that every item that he had enumerated was strictly and truly a charge upon the public lands, and quot[illegible]e speech of Gen. Hayne, of South Carolina, to the same effect, when he was a member of the Senate. Some of these items were now admitted to be correct charges, but the main ones were still disputed, and it was evident that a twofold object would be gained if they could be kept out. The first object would be to swell the amount for distribution; the second would be to lay the foundation for reviving the tariff; both objects dear to the hearts of the authors of this bill, but such as could not be openly avowed at this time. Mr. B. said the whole scheme of the bill was a deception and a fallacy. It professed to divide surplus money, and yet took the money which was now wanting for the public defences; it professed to divide the nett proceeds of the public lands, and yet took the gross proceeds; it professed to take nothing but the money which came from the lands, and yet took all that it could find in the Treasury by scraping back for three years. This was the real character of the bill; a deception, a fallacy, a delusion throughout, and masked with professions at war with its object. All this would be apparent in time. For the present, it could not be overlooked that the whole structure of the bill is changed; it is no longer a bill to divide the proceeds of the lands in future and for five years to come, but it is to reach back into the Treasury, to travel back through the years 1835, 1834, and 1833, and to gather up all the proceeds of the land sales for these three past years, and commence dividing this mass on the 1st day of July, and divide one fourth on that day, one fourth on the 1st of October, one fourth the 1st of January, and one fourth the 1st of April, 1837. To these divisions are to be added the amounts received from lands this year and next year. It is expected to begin the division upon twenty-eight millions in July, and finish thirty-eight millions by the 1st of January next. Now, what is the object and effect of all this? Is it the object to take all the money for distribution, and leave nothing for defending the country? Is it the object to break all the deposite banks? Is it the object to distress the country, by making the deposite banks call in all their loans in six months? Is it their object to ruin the currency by enabling whig States to draw their distributive shares in specie, compelling the banks to stop payment, and then calling for the Bank of the United States, as the only remedy for the evil? Whether this is the object, it will be the effect; and to do all this, it is necessary to reach back three years to find money in the Treasury which is not there, and thus make a larger sum for distribution than the deposite banks can pay.

The revenues of the year 1833 were received by the Bank of the United States, and have been expended in the public service. No part of those revenues were ever transferred to the deposite banks; they all remained in the Bank of the United States until expended; yet this bill, in its mass of deceptions and fallacies, assumes that the deposite banks received all the revenue for the year 1833; has separated the land revenue from the custom-house revenue; has saved that land revenue to the present day; and now has it in a separate pile by itself, to be divided out! These are the assumptions of the bill, while the realities are that part of this land revenue never was received at all by the deposite banks. What they actually received for 1833 has been paid out, and what they have got is the revenue of the country. The land receipts are in the mass of the revenue; and in professing to divide the proceeds of the lands, the revenue itself is taken; and it is taken for three years back, in order to raise an immense sum for instant division; such a sum as is expected to tempt the cupidity of distributees beyond resistance, to ruin the President if he vetoes the bill, and to ruin the deposite banks and the currency if he does not. Mr. B. said it was a bill to revive the tariff, to re-establish the Bank of the United States, and to crush President Jackson, and all who opposed it, by mere dint of money. He asked for the yeas and nays, item by item, on his amendment.

Mr. EWING said he had no objections to the amendments, except to those which proposed to deduct the Indian annuities, and the sums paid for the extinguishment of Indian titles.

And the question was taken on the several amendments, with the above exceptions, and they were carried without a division.

The question was then taken on the clause of the amendment proposing to deduct the amount of annuities paid to Indians for the purchase of lands; which amendment was rejected: Yeas 18, nays 27, as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Niles, Rives, Ruggles, Shepley, Tallmadge, Walker, Wright—18.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—27.

The question was then taken on the clause of the amendment deducting the expenses of holding Indian treaties for the purchase of lands; which was lost: Yeas 18, nays 26, as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Niles, Rives, Ruggles, Shepley, Tallmadge, Walker, Wright—18.

NAYS—Messrs. Black, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—26.

The next clause of the amendment, deducting the amount paid to Indians for the purchase of lands, was also rejected: Yeas 18, nays 26, as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wright—18.

NAYS—Messrs. Black, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—26.

The last clause of the amendment, deducting the amount expended in the removal of the Indians from the lands purchased, was also rejected: as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Georgia, Linn, Morris, Niles, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wright—17.

NAYS—Messrs. Black, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, King of Alabama, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Southard, Swift, Tomlinson, Webster, White—28.

The bill was then ordered to be engrossed for a third reading: Yeas 25, nays 21, as follows:

YEAS—Messrs. Black, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—25.

NAYS—Messrs. Benton, Brown, Calhoun, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Morris, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wright—21.

The Senate then adjourned.

THURSDAY, APRIL 28.

STATUARY.

Mr. BUCHANAN moved that the resolution directing the Committee of Finance to inquire into the expediency of contracting with Luigi Persico for two groups of statues to complete the ornaments of the east front of the Capitol, be taken up for consideration.

Mr. PRESTON said he doubted the propriety of referring this matter to the Committee on the Library, or, indeed, to any committee of the Senate. Independent of our being occupied with other and more urgent business, few of us have had an opportunity of seeing the master works of art, or have a cultivated taste and judgment in reference to them. The resolution before us authorizes the President to contract, and I (said Mr. P.) am of opinion that the whole matter had better be left to his decision. The groups which it is proposed to execute should correspond with those already completed. The appropriation, if any is to be made, should be a liberal one: comporting with a building which cost three millions of money, and with the wealth, intelligence, and resources of the country. The statuary should be a lasting monument of our taste and judgment--not intended merely for the present day, but for all time. There was a degree of responsibility in this matter. We should have time for deliberation: models, designs, drawings, modes of embellishment, should be laid before us. We should decide with great caution. I express no opinion of Mr. Persico. He is, no doubt, a clever artist; but we have a native one (Mr. Greenough) about to return to this country--a man of unquestioned genius; one calculated to do honor to his country, and whom his country should delight to honor. Some of his works we have seen, and we know how beautifully they were executed. I should be glad to see Mr. Persico employed; he deserves to be so for his ability and industry; but, in employing him, I am unwilling that the talents of an accomplished citizen of our own country should be thrown in the back ground. At any rate, let propositions be made, plans submitted, and comparisons instituted.

As to some of the specimens of the fine arts, paintings, &c., which have disgraced our halls, they are absolutely, both in design and execution, shocking. And whatever, therefore, is to be done, let us take care that it is done in the best manner. The expense is of no consequence.

Mr. MANGUM said the Committee on the Library invariably had the charge of the expenses and selection of ornaments for the Capitol. As to the question of expense in matters of that kind, it was not a matter of much consequence, and not necessary to place it under the direction of the Committee on Finance. He would, therefore, move to strike out the Committee on Finance, and insert the Committee on the Library. This inquiry was very proper, and, he thought, properly belonged to the Committee on the Library. The ornaments to be selected would not only be valued for this, but for all future ages.

Mr. CALHOUN said that, when this resolution was first introduced, his attention was called to it, and he really did think that they ought to reserve objects of this description for native artists; one of whom was, at that time, in Europe, at the head of his profession. At the solicitation of the mover, he would not make any opposition to the resolution now. Let it go (said Mr. C.) to the committee, and let them report on it, and should the report be unfavorable, he would then have an opportunity of expressing his views further on the subject. Mr. Persico was a gentleman of talents, and would no doubt do justice to the subject; but the Government had but little patronage of the kind, and he thought they owed it to native artists to reserve it for them.

Mr BUCHANAN did not intend at that time to enter into a discussion of the question raised by the Senator from South Carolina, [Mr. CALHOUN,] though on a

proper occasion he should have something to say with regard to it. He would assure the junior Senator from South Carolina [Mr. PRESTON] that, if he had had the selection of an individual in the Senate, whose judgment and taste in matters relating to the fine arts, qualified him to decide as to the merits of the proposed pieces of statuary, he should have selected him. But he knew that a bill had come there from the House of Representatives, containing appropriations for statuary which had been referred to the Committee on Finance, and he had, therefore, no choice, but to send his resolution to that committee, or incur the risk of its not being acted on during this session.

Mr. MANGUM said there could be no difficulty in this matter. As to the question of taste, he should have as much confidence in the taste of the Chairman of the Committee on Finance, as in that of any other gentleman; but he thought it would be more appropriate to send it to the Library Committee.

Mr. PRESTON doubted the propriety of the suggestion of the Senator from North Carolina. The Committee on the Library were not more qualified to decide in such matters than any other members of the Senate; and indeed few of them had had opportunities of making themselves so. It had been usual to refer matters of this description to the Committee on the Library, on the natural supposition that there was some connexion between literature and the fine arts; but he should think the Committee on Finance as well qualified as any other commitee, and he would suggest that they should be instructed to inquire whether an appropriation, and to what amount, should be made to ornament the east front of the Capitol, leaving the selection both of the subject and the artist to some proper department of the Government, say the President of the United States. The resolution contemplated two groups of statues for the east front of the Capitol. Now whether groups of statues were proper for that place, or what groups, or whether the subject chosen was consistent with good taste, were all questions of great importance, which the Senate was not competent to determine; and a degree of responsibility should be thrown upon the proper department of the Government for the selection both of the subject to be executed and the artist to execute it, so as to ensure a work worthy of the building whose cost was $3,000,000, of the wealth and greatness of the nation, and of the admiration of posterity. He had the highest opinions of the talents and excellence of Mr. Persico as an artist; but some of our own artists had obtained, very deservedly, great celebrity. One of them, Mr. Grenough, was soon expected home, and it might be deemed proper to give him an opportunity of exercising his talents on the contemplated work. He thought that some competition might be advantageously excited; that some little collision of mind among men of genius and taste might result in the adoption of a design more appropriate than that suggested by Mr. Persico; but of this he could not pretend to judge. The reference of such matters to persons of competent skill and acknowledged taste was necessary, to prevent their being burdened with works unworthy of the nation. Their public halls had been disgraced with exhibitions purporting to be of the fine arts, utterly offensive to the public tase, absurd in design, and wretched in the execution. He would vote against the motion of his friend from North Carolina, and would move to amend the resolution, so as to authorize the President of the United States to contract for suitable ornaments to complete the east front of the Capitol, instead of directing the Committee on Finance to inquire, &c.

Mr. BUCHANAN said he had not anticipated so much discussion on a mere question of inquiry. Some years ago I (said Mr. B.) submitted a similar resolution to the House of Representatives, and I thought I could not do wrong in asking a committee of the Senate to inquire into the expediency of making an appropriation. I feel it to be my duty, however, after what has taken place, to reply to some of the remarks which have fallen from the Senators from South Carolina, and particularly those of the junior member.

No man living, sir, is willing to extend more encouragement to native talent than I am. Wherever it can fairly be brought into competition with that of foreign growth, it ought to be preferred. I am no connoisseur in sculpture, but I know that it requires immense labor, intimate knowledge of drawing, and years of experience, to execute a classical or historical figure. There is as much difference between the artist who forms a bust, and he who executes a group of statuary, as there is between a mere portrait painter and a Michael Angelo. It is the very lowest grade of the art, the commencement of the study of the profession. No gentleman, whatever may be his natural genius, who has proceeded no further than the execution of a bust, and the taking of a striking likeness, is fit to be employed in ornamenting the eastern front of our Capitol.

It may be asked, and I answer the question now, why I feel this interest in Mr. Persico? It is from motives of private friendship, in consistence with the public good. He came to the town in which I reside in 1819, merely as a portrait painter, and for the purpose of acquiring a knowledge of the English language. His genius and taste were soon discovered, and in his society I have passed many agreeable and instructive hours. He left us without a single enemy. He is not a native, but he intends to spend his days among us, for he loves liberty with all the enthusiasm of genius. He is devoted to the institutions of this country. When I next saw him, it was in New York, where his talents as a sculptor had begun to attract much attention. I asked him why he had concealed his knowledge of sculpture from his friends in Lancaster, and he replied, evincing the modesty which always accompanies true merit, that there were so many foreigners in this country who pretended to what they were not entitled, that he had determined not to speak of his knowledge of this art until he should have an opportunity of displaying it by his works. He was subsequently employed by this Government, at a salary of $1,500 a year, to ornament the tympanum of the eastern front of the Capitol. How he succeeded, let the universal approbation which his efforts have received, decide. After he had completed this work, I presented a resolution to the House of Representatives, of which I was then a member, similar to the one I have now offered. He was employed; and though I pretend to no taste in the fine arts, yet I know that others, who are competent judges, as well as myself, have been delighted with the results of his labors, and admired the industry and genius with which they were accomplished. The hope of identifying his talents with the Capitol of the Union, has been the subject of his thoughts by day, and his dreams by night. Most keenly and deeply, therefore, would he feel, if the Senate of the United States should refuse to entertain a mere resolution of inquiry.

Any one, whether a man of taste or not, cannot but be struck with the model of one of the groups which he has completed. It represents the great discoverer when he first bounded with ecstacy upon the shore, all his toils and perils past, presenting a hemisphere to the astonished world, with the name of America inscribed upon it. Whilst he is thus standing upon the shore, a female savage, with awe and wonder depicted in her countenance, is gazing upon him. This is one of the happiest, noblest, grandest, conceptions of genius. It is worthy of the subject. I hope every Senator will examine the models for himself. I hazard the assertion that, if ever

this work shall be finished according to the model, it would command in Europe five times the amount which it will cost in this country. I believe, however, from the enthusiasm of the artist, that he would rather have this work of his placed on the blocking of the Capitol, if he should receive from Government no more than a mere subsistence whilst engaged in its execution, than to realize a fortune from it in Europe. If the Senator from South Carolina desires it, let him offer a separate resolution in favor of any other artist. He shall receive my vote. I should feel indebted to him, however, if he would suffer mine to take the usual direction without any amendment.

Mr. PRESTON said the gentleman from Pennsylvania was mistaken if he imagined for a moment that what he said was in reference to a special competition between Mr. Persico and any other artist. He should very much regret if Mr. Persico himself thought he had said any thing invidious to him. That body was not fitted to discuss these matters, as was evident from the manner in which the names of individual artists had been brought forward. He knew that he himself was not competent to decide on them. There was, to be sure, as the gentleman from Pennsylvania observed, every difference between the execution of a correct likeness, and the execution of a grand historical or allegorical subject; but he would observe, *en passant*, that he who copied nature most correctly in the execution of a likeness, would be the most apt to succeed in the execution of a work of greater importance. By referring the decision of this matter to the President, he would most probably, before deciding, consult with gentlemen upon whose taste and judgment every one would be willing to rely. Washington Alliston, of Boston, was one on whom he would entirely rely, and if he would say that the design of Mr. Persico was worthy of the object for which it was intended, he would be satisfied that after generations would speak of the work with the same admiration that we speak of the works of Michael Angelo. Mr. P., after referring in terms of disapprobation to the works in the Rotundo of the Capitol, and particularly to the statue of Mr. Jefferson, which had got there by some means or other, *per fas aut nefas*, said that he concurred with his colleague in wishing to reserve such works for native artists, if competent ones could he found; but if not, as expense should be no object, he would be willing to send to Thorswaldon for a suitable work. He would rather, he said, have one such statue as that of Washington by Canova, which had been destroyed in the conflagration of the State House at Raleigh, North Carolina, than all the trash that cumbered and disgraced the walls of the Rotundo. He wished it to be distinctly understood that, in all, he said nothing disparaging to Mr. Persico, whose talents were acknowledged on all hands; all he wished was that the decision of this matter should be left to the proper department of the Government, without saying that this particular design should be executed, or this particular artist employed, to the exclusion of all others. He therefore renewed his motion.

Mr. CLAY said the Senator from South Carolina regarded this as a more serious matter than he could. When he heard the remarks of the Senator, from the manner in which he had exhibited his taste and knowledge of the art of sculpture, he felt as if he wished the whole matter submitted to him exclusively. Mr. Persico was well known as a superior artist, and Mr. Greenough was already employed by the Government to do an important work. To refer it to the President was a mere shifting of the responsibility from Congress to the President. If a good painter could be a good judge of sculpture, they would have enough to counsel with. Or if a good orator was a good judge of sculpture, he believed there were several of them on the Committee on Finance. But really he thought there was too much importance attached to this matter, and if the President should refuse to take the responsibility of contracting for these groups, it would then be time enough for them to take it upon themselves.

Mr. CALHOUN was of opinion that they should reserve such matters for native artists, many of whom were highly distinguished. The very fact being known that they had such works in reservation for native talent, would have a powerful influence in stimulating their exertions to attain excellence in their professions.

After a few remarks from Mr. DAVIS,

Mr. CLAYTON said that whenever Mr. Greenough, or any native artist, should present himself with such a design as that presented by Mr. Persico, he would most cheerfully vote to send it to a committee for consideration. He did not consider the voting for this resolution as voting to contract for the group of statues; it was only a resolution of inquiry, and he would therefore vote for it.

The question was then taken on Mr. PRESTON'S amendment, and it was rejected; after which, Mr. BUCHANAN'S resolution was agreed to.

LAND BILL.

The bill to distribute, for a limited time, the nett proceeds of the sales of the public lands among the States, and to grant lands to certain States, came up on its third reading; when

Mr. NILES rose and addressed the Chair as follows:

Mr. President, it was my intention to submit to the Senate some remarks on this bill, which, in any view that can be taken of it, I regard as one of the highest importance; and it was my purpose to have done this before the bill was ordered to its third reading; but indisposition has for several days prevented me from speaking, and, at this time, I scarcely feel able to proceed; but as the bill has reached its last stage, and the Senate has refused to postpone it, I am compelled to deliver my sentiments at this time, or not at all.

Before entering into the consideration of the several questions which this bill presents, I will beg to notice some few of the extraneous remarks of the Senator from Kentucky, [Mr. CLAY,] which had no particular bearing on the merits of the pending question. What may have been the object of the honorable Senator in attempting to alarm the country as to the security of the public revenues in the deposite banks, I will not undertake to say. It appeared to me that, from the associations of place and other circumstances, his imagination had carried him back two years; and that, without perhaps being aware of it, he was engaged in making a real panic speech, calculated to alarm the country, on account of the revenue and the currency. Whatever may be the pressure for money at this time, I hardly think the honorable Senator, with all his skill and experience in that way, will be able to produce another factitious panic. The evils of that which prevailed two years since are too fresh in the recollections of the people for them to be drawn into a similar excitement at this time.

It is certainly a very strange argument in favor of the passage of a bill, whch appropriates nearly all the money now in the Treasury, to attempt to prove that this very money is insecure, and would not be available should this bill become a law. If the deposite banks cannot pay the money, there will be none to distribute—there will be no surplus on which the law can operate.

But what grounds are there for alarm as to the security of the public revenues? They are now deposited in thirty-six banks, and in comparatively small sums; no one bank having more than about three millions, and averaging less than one million. Has the Senator stated any facts tending to show that these banks, or any of

them, are not perfectly solvent and safe depositories of the public funds? What are the grounds on which confidence is reposed in any banking institution? Is it not its capital, and its reputation for being prudently and correctly conducted? Whatever objections, then, there may be to the present system of selecting banks for public deposites, it certainly has some advantages. The Secretary of the Treasury has an opportunity of selecting for places of deposite, such banks as have acquired an established reputation, and as are known to be conducted on safe principles; he also can select as large a number as he pleases, by which means the aggregate capital is increased, and the risk divided. Is it not apparent that the public revenues are safer deposited in thirty-six banks than they would be in one bank having the same capital? Experience proves that a bank with a large capital may as likely become embarrassed as one with a small capital, as their business is on a corresponding scale. Interest prompts all banks to extend their business to the utmost limit their capital will allow. If the public treasure was deposited all in one bank, as was the case some years since, and that, by an improper extension of its business, or by speculation, should become embarrassed, the whole revenues of the country would be in jeopardy; but if they are in numerous institutions, the danger is greatly diminished, as it is not to be apprehended that several of the deposite banks will become involved in difficulties at the same time. They are independent of each other, and their operations no way connected. The history of the Bank of England, as well as the Bank of the United States, justifies what is here stated. It is well known that the former was compelled to suspend specie payments, and to call in the aid of the Government to sustain it from total ruin. And the Bank of the United States, by a system of profligate and fraudulent speculations, unparalleled, brought itself to the very verge of bankruptcy whilst it was the depository of the public revenue. For three months, from February to May, in 1819, that bank was in the most critical situation, and daily exposed to be compelled to stop payment. To save itself, it drained the State banks of their specie—broke the banks of Kentucky, and made such forced and rapid curtailments of its loans to individuals, as greatly contributed to the severe money pressure and distress which prevailed at that period. Such was the situation of the public funds in the Bank of the United States in 1819.

But the Senator told us that the deposite banks have only eleven millions of specie, and endeavored to make an impression that this was all their resources with which to refund to the Government nearly thirty-two millions. If this was a true test of the ability of banks, what has been the situation of the Bank of the United States, which the Senator has regarded as so safe a depository of the public treasure? In 1831, that bank had but $8,198,682 in specie, when the Government deposites were $7,252,249, and private deposites $9,115,836, and its circulation was $22,399,447; making in the whole, to say nothing of other debts, $38,768,532, to be paid from a specie fund of little more than eight millions. At some periods, the specie of the Bank of the United States has been less, and, if I recollect right, the President of that bank has stated, in some of his reports, that six millions in specie was all that was required for the safety of the bank and the public.

Would the Senator require one rule for the Bank of the United States, and another for the State banks? The latter was regarded as perfectly safe, and as furnishing the best national currency for the country, without regard to the specie in its vaults; it was sufficient to rely on its general means and solvency; but the State banks must have specie equal to their indebtedness.

In any view which can be taken of this subject, the public funds must be considered as safer, so far as regards any considerable loss, than when in the Bank of the United States. As respects capital, that bank had, exclusive of what belonged to the United States, but twenty-eight millions; that of the deposite banks is more than forty-three millions of dollars.

The condition of these deposite banks, on the thirty-first day of March last, according to a report of the Secretary of the Treasury, of the 23d day of April, was as follows:

Loans and discounts,	$68,850,287 67
Domestic exchange,	32,775,529 42
Real estate,	1,929,056 68
Due from banks,	15,931,916 22
Notes of other banks,	11,107,447 78
Specie,	10,885,996 92
Foreign exchange,	532,450 96
Expenses,	184,901 22
Other investments,	10,651,759 92
	$152,849,346 79
Capital,	$43,690,980 28
Treasurer of the United States,	33,294,024 08
Public officers,	3,477,252 42
Due to banks,	15,366,674 49
Contingent fund,	1,102,763 15
Profit and loss, &c.,	4,094,358 12
Circulation,	28,796,186 98
Private deposites,	15,453,092 11
Other liabilities,	7,574,015 16
	$152,849,346 79

I have made these statements, not from any partiality to the deposite banks, as I am not their advocate, and consider all banks as conducted essentially on the same principles—to make the greatest profit, without regard to the public or private interests of the community. I do not approve of their having so large an amount of the public funds, and especially without paying any interest for the same; but this is an unusual and unexpected state of things, and, I trust, will soon be remedied. My object has not been to defend these banks, but to show that the public funds are safe.

In addition to the security afforded by the capital and other property of the banks, the Secretary of the Treasury has in some cases required collateral and personal security for the public deposites. These contracts, the Senator from Kentucky informs us, are totally void, because there is no law expressly authorizing them. He asks, with apparent triumph, by what authority, and under what law, these contracts are made? This objection, if valid for any purpose, is applicable to the contract itself; for there is no act expressly authorizing the Secretary to employ agents for the safe keeping of the public revenues. If the argument proves any thing, it proves that the contracts with the banks are illegal and void, and that the money can never be reclaimed. If the contracts are valid, then the stipulation for personal security is binding, as that is a part of the contract. The argument proves too much, and therefore proves nothing at all.

The Senator also says, that the regulation of the Secretary requiring the deposite banks not to issue bills of less denomination than ten dollars, is an alarming assumption of power; a species of executive legislation designed to regulate the currency. He says, he will not inquire whether the regulation is a wise one or not; whether it is calculated to have a beneficial or an injurious influence; but asks where the Secretary gets his power to control the State banks, and regulate the currency of the country? He had supposed this power be-

longed to Congress. Why, the Senator must know full well that neither Congress nor the Secretary have any power over the State banks. This, like the requirement of personal security, is only a part of the contract. The Secretary, in employing the fiscal agents of the Treasury, can prescribe such conditions as he sees fit, not inconsistent with law, but the agent is not bound to agree to them, nor has the Secretary any means to force him to comply with his conditions. All that he can do is, to decline to employ the agent who will not comply with the conditions he may prescribe. This is the alarming usurpation which the Senator has discovered. But he will not inquire whether the object is a good one or a bad one, which, it appears to me, is the essential point. Are we to understand that he is opposed to restraining the circulation of small bills issued by the State banks? If not, why this complaint of an attempt to stop their circulation by contract with those banks, which are employed as the receivers of the public revenues? It is said that the present surplus in the Treasury, and which is deposited in the State banks, is unprecedented and dangerous. An overflowing Treasury seems to be a subject of as much alarm now, as an exhausted one did two years ago, which was then so confidently predicted. The large amount of money in the Treasury has arisen from two causes: the unprecedented sales of public lands, which, during the year 1835 and the first quarter of 1836, have exceeded twenty millions; and the delay to pass the appropriation bills, whereby money that ought to have been paid out is still retained in the Treasury. But, from the remarks which have just been made on this subject, it might be supposed that there had never before been a balance in the Treasury. But there have usually been balances, and at times very large balances, which have been deposited either in State banks, or the Bank of the United States. The balance in the Treasury, at the close of the year 1815, and deposited in State banks, was $13,000,000; in 1816, $22,033,519, more than two thirds the present amount; in 1817, when the Bank of the United States was encouraging speculations in stocks, and using the funds of the Government for that purpose, the balance was $14,989,465; in 1823, it was $9,463,922; in 1826, $6,358,586; in 1827, $6,668,000; in 1828, $5,972,000; in 1829, $5,668,000. From the last period, to the time the connexion of the Treasury with the Bank of the United States was terminated, there was a balance of from five to ten millions.

The honorable Senator from Kentucky [MR. CLAY] has alluded to the State banks, and apparently with the purpose of creating a panic, on account of the rapid increase of these institutions, and the alarming extension of the paper system. In his apprehensions on this subject I can fully participate; but can by no means concur in what he assigns as the cause of the increase of the State banks. He attributes it to the measures of the Government in hostility to the Bank of the United States, or to the overthrow of that bank. This cause rests on an assumption of a fact which is not true; the Bank of the United States has not been destroyed, nor have its operations ceased. It is true, some of its branches have been discontinued, and this circumstance, with other causes, may have had some influence on the establishment of State banks in some of the western States; but, if the withdrawal of the capital of this bank is to be regarded as occasioning the incorporation of State institutions, it is a cause that could operate only so far as to supply, by State banks, the amount of capital withdrawn by the Bank of the United States, and this would be no increase of the aggregate banking capital in the Union.

Nothing can be more unfounded, and even preposterous, than the pretension that the Bank of the United States prevented the establishment of State banks, and restrained their operations. This position, so often and constantly asserted, is not only unsustained, but is opposed both to facts and principle. In point of fact, the State banks have increased more rapidly since the establishment of the Bank of the United States in 1816, than they ever did previous to that period. And in respect of principle, it is absurd to contend that banking is to be limited and restricted by superadding the legislation of the Union to that of the States, in granting bank charters. The cause of the alarming multiplication of banks and increase of bank capital lies much deeper; it is to be found in the spirit of traffic and speculation which prevails so extensively in our country, and which the Bank of the United States has been, in an eminent degree, instrumental in engendering and sustaining. Shall the champions of the Bank of the United States, who maintained that its notes were the only sound national currency, reproach those who were opposed to that corporation, and to the present banking system generally, for the consequences and evils of the unprecedented increase of banks in the States? Sir, such taunts come with a bad grace from the Senator from Kentucky.

Who are the advocates of State banks, and the petitioners and applicants for their charters? Are they not the supporters of the Bank, or a Bank, of the United States? In some of the States it is true that many who were, or professed to be, opposed to the national bank, are the zealous supporters of the State institutions. But there are a large portion of those opposed to the Bank of the United States, who disapprove the whole banking system, or desire to reform it by withdrawing a large portion of the paper circulation, and substituting a hard money currency in its place. In my own State, this is almost universally true; all who are opposed to the Bank of the United States are opposed to the multiplication of State corporations, and in favor of restricting the circulation of the existing institutions. The increase of State banks, the last two or three years, is truly alarming; and if this spirit be not checked, an explosion of the entire paper sytsem will be inevitable. In an able work by Mr. Gallatin, formerly Secretary of the Treasury, he states that, in 1830, there were two hundred and eighty-one banks in the United States, with a capital of ninety-five millions; and it is now estimated that there are about seven hundred and fifty banks, possessing an aggregate capital of nearly three hundred millions. Mr. Gallatin's statement was not entirely correct, and probably fell short of the true number; it was five short of the number in Connecticut. But the increase of banks and banking capital has been sufficiently rapid and alarming; it cannot have been less than one hundred per cent. the last three years. If this spirit of speculation and gambling continues, and instead of being checked, is encouraged by the improvident and reckless legislation of the States, a fatal and ruinous explosion of the whole paper system must be the consequence. This is as inevitable as those results which follow from natural causes. And will no effort be made to arrest these evils? Will the prudent, the wise, and the honest, calmly witness, and without an effort to arrest an evil of such magnitude, the gathering elements fraught with such incalculable calamities to their country?

The Senator from Kentucky says that the surplus in the Treasury has already engendered a spirit of extravagance and wastefulness; that, instead of the old republican practice of inquiring what is the lowest rate of appropriations with which the service can be carried on, the inquiry now is, what is the highest rate, and how we can spend the most. On what authority was this remark made, applied, as it was, to the appropriations generally? It is wholly gratuitous and unsupported. The only inquiries of the kind which have been made of the head of any Department have been confined to forti-

fications and other objects connected with the defence of the country. These are no part of the ordinary annual expenditures. How far it may be wise to go, in expenditures for purposes of this kind, may be a question; but whatever it is proper to expend, in public works for the defence of the country, may as well be expended in one year as in a series of years. Indeed, this is true policy and economy; for the more time which is consumed in laying out the money, the more of it will be abstracted by the agents who have the disbursing of it. If an individual has occasion to build a house, will he not do it in one season, or in as short a period as he can find any one to contract to do the job? He does not consider it economy to be several years about it; neither does he regard the outlay as a part of his annual expenditures; he considers it as an investment, as an addition to his estate. What is true of an individual is true of the Government. Whatever it may be proper to expend on fortifications, ordnance, or other permanent means of defence, the shorter the period in which the money can be expended, the better, if there is no waste in the application. Neither are appropriations for purposes of this description to be regarded as a part of the annual expenditures of the Government, any more than the erection of a house is to be regarded as a part of the annual expenses of an individual. The calls for the maximum appropriations, for permanent objects of defence, are no evidence of profuse expenditure, as asserted, but of true economy, especially when we have money on hand that we have no other use for.

The compromise tariff act of 1833, to which the honorable Senator alluded with so much complacency, is not entirely irrelevant to the subject under consideration, as that law has in part contributed to produce the surplus which the gentleman seems so anxious to seize upon for distribution. He seems to look back upon that compromise as a bright spot in the record of his political life. The gentleman appears to have been partial to compromises, and has had a hand in many, of different descriptions. The tariff compromise, so far as it was a means of quieting, for a time, a distracting question, and of calming the troubled elements in one quarter, was a salutary measure; but the principles of the compromise were unsound and unwise. The reduction of the high duties was too slow on the one hand, whilst on the other the attempt to establish by compromise a uniform principle of imposing duties was either delusory or a gross assumption of power. In consideration of retaining the high rate of duties, subject to a gradual reduction for ten years, the principle of discrimination in regulating the duties is proposed to be relinquished. Those engaged or having capital invested in manufactures in 1833 were to become rich by the protection afforded to them during the ten years of high duties; and those who might become interested in manufactures near the close or after that period, were to be left to shift for themselves. There is no reason on earth why from fifty to seventy-five per cent. should be required to protect the manufacturing interests in 1833, which could be sustained by duties of twenty per cent. in 1842. Either the high rate of duties was not required, or the point of depression is so low as will sacrifice the manufacturing interests. The experience and skill requisite to the successful prosecution of most branches of manufactures had been acquired in 1833; and although there are constantly improvements taking place in all the arts, yet as these are as great in England and other manufacturing countries as in this, they will give no advantage or security to our manufactures. In regard to the attempt to settle, by an act of Congress, under the assumption that it is a compromise, a uniform rule by which all duties are to be imposed after the year 1842, if not altogether delusory, it can only be regarded as a new scheme to amend the constitution. It would, in fact, be an amendment of the most important character. The duties on foreign importations, as the principal source of the public revenue, as well as incidentally affording protection to the manufacturing interests of the country, have been a subject of more legislation than any other, and must continue so for all time to come. The state of the Treasury, the growth of new interests at home, the decay of old ones, foreign legislation, and various other causes, will require frequent modifications of the revenue laws. To attempt, therefore, to restrict, limit, or regulate the power or action of Congress over this subject, by an ordinary law, or by any understanding or compromise among the leading members of Congress, as to the passage of that law, is preposterous. It is an attempt by one Congress to tie up the hands of their successors, and deprive them of that equality of power which the constitution has conferred on each successive Legislature. Had the high rate of duties been brought down to the proper point of reduction more rapidly, it would have lightened the taxes, and we should have had a less surplus in the Treasury to contend about.

Mr. President, having disposed of the extraneous and preliminary topics, I will proceed to consider the bill before the Senate. This measure, in any view which can be taken of it, is of the highest importance. The bill provides for distributing among the States, according to the federal principle of representation, the nett proceeds of the public lands for five years, commencing with the year 1833 and ending with the year 1837. As amended at one time, it proposed to distribute the proceeds of the lands for nine years, from 1833 to 1841. That amendment has been abandoned by the friends of the bill, and it now stands as at first introduced. There are some minor principles in this bill, as the grant of certain portions of lands to the new States, and the allowance to those States of ten per cent. of the sales of public land within their territories, which I do not propose to notice. The bill as it now is, should it become a law, will distribute among the States about forty-five millions of dollars. Its friends calculate upon a large sum. Before the amendment was disagreed to, the bill would have distributed eighty-seven millions of dollars, provided the sales of the public lands for the ensuing five years should equal what the friends of the measure estimate them at—ten millions a year. I think, however, that estimate much too high. Eighty-seven millions would be nearly one half of the proceeds of all the lands now unsold in the States and Territories. The gross amount, at the minimum price, has been estimated by the Senator from New York [Mr. WRIGHT] at one hundred and eighty-seven millions of dollars. This bill, as it is, will distribute more than one quarter of the whole proceeds of the public lands in the States and Territories.

By a report of the Secretary of the Treasury, it appears that there are in the States and Territories 122,397,462 acres of lands surveyed and offered for sale, and which was unsold on the 30th September last, and 9,772,739 acres surveyed and not offered for sale, making 132,170,210 acres, to which the Indian title has been extinguished. There are, besides, 79,126,838 acres, to which the Indian title has not been extinguished; but this will cost nearly as much as we shall get for it. The bill, in its present form, will distribute a large share of the proceeds of the entire national domain. It is retrospective in its operation, and will distribute all the money raised from the sale of the public lands since 1833, which will include nearly the entire balance now in the Treasury. The gross receipts for the sale of the public lands which will be distributed, should this bill pass, will amount to—

In 1833,	$3,967,681
" 1834,	4,875,650
" 1835,	15,200,000
First quarter of 1836,	5,439,650
Money now in the Treasury to be distributed,	$29,682,981
Proceeds of sales for the last three quarters of the year 1836, estimated at	8,500,000
Proceeds for 1837, estimated at	8,500,000
Total amount to be distributed,	$46,682,981

This estimate for the remainder of the current year, and for 1837, is considerably below the calculations of the friends of this measure, as they consider that the sales will be nearly or quite at the rate they were during the last year, when they exceeded fifteen millions. But I have supposed that the pressure on the money market which now prevails, and will be likely to continue, will check the speculation in lands. The estimate, however, may be low.

In a financial view of this measure, the bill before the Senate may be regarded in the light of an appropriation bill. Should it become a law, it will take from the Treasury during the present year, about thirty-seven millions of dollars. The first question, therefore, is the effect it will have on the finances, and whether such a sweeping appropriation will not exhaust the Treasury, and render it difficult to carry on the different branches of the public service?

Without pretending to accuracy, the following statements and estimates of receipts and expenditures may throw some light on the subject of the finances of the year:

Money in the Treasury on the 1st of April, in round numbers,	$32,000,000
Estimated receipts from the customs for the three quarters of the year 1836, at the rate of eighteen millions for the year,	13,500,000
Estimated receipts from the public lands for the three quarters of the year,	8,500,000
Total revenues of the year,	$54,000,000

The Senator from Tennessee [Mr. WHITE] and others have estimated the money now in the Treasury, and what will be received during the year, at seventy millions. I do not understand the process by which they make so large a sum, and am persuaded that it is altogether an over estimate. I do not claim any accuracy for the estimate I have made, but believe it will be found not to vary essentially from the truth. The calculation as to the customs is based on the assumption that the importation of dutiable articles will be equal the present year to the last, when the duties on imports were about nineteen millions. But by the compromise act of 1833, one tenth part of the excess of duty over twenty per cent. is taken off, which will amount to about one million of dollars, leaving for the duties of the whole year eighteen millions. The first quarter, it is true, has considerably exceeded that rate; but the great amount of importations the last quarter of 1835, and the first quarter of the present year, will be likely to occasion less importations the last three quarters of the present year. In connexion with this cause, the extreme pressure on the money market in the commercial cities must occasion a check and reaction to all kinds of business. This cause will operate still more forcibly to check the sales of the public land, a great portion of which, the last year and the first quarter of the present, has been purchased on speculation. When good notes, as is said to be the case, are discounted in New York at from thirty to forty per cent. interest, it can hardly be supposed that money will be extensively employed in land speculations. All revulsions in business immediately affect the revenue, from whatever source derived, and hence the great fluctuations which our revenue has experienced, both from customs and the public lands. The receipts from the customs in 1816, were 36,306,874 dollars; in 1817, 26,283,348 dollars; in 1819, 20,283,608 dollars; in 1820, 15,005,612 dollars; and in 1821, 13,004,447 dollars. The year 1816 was the first after the war, which accounts for the great excess of importations; but from 1817 to 1821, a period of four years, the revenue was diminished more than one half, falling off from more than twenty-six millions to thirteen millions.

Speculations in public lands commenced in 1818, sales then being made on credit; and the receipts for lands the following year were 3,270,000 dollars; in 1820 they fell off one half. In the years 1823 and 1824 the annual receipts were less than one million, and last year the sales have produced more than fifteen millions. This has been the result of speculations, which cannot continue. It is not to be apprehended that the reaction which has commenced will be as severe or as protracted as that of 1819. The embarrassment and distress then continued for three years, and extended over the whole country. The Bank of the United States, which had exerted a controlling and pernicious influence in originating the spirit of overtrading and speculation, was also the principal instrument in occasioning the distress, as it was compelled, in self-defence, to make rapid and forced curtailments of its loans. From February to December it reduced its loans twelve millions of dollars, being nearly one third of the whole amount. Of this period of distress, Mr. Crawford, in 1819, then Secretary of the Treasury, remarked: "Few instances are on record of sufferings so deep and extensive as those which have overspread the United States."

Let us now examine into the probable expenditures of the present year. It must not be forgotten that appropriations for the year are one thing, and the moneys actually drawn from the Treasury for public purposes are another thing.

The letter of the Secretary of the Treasury, addressed to Congress early in the session, contains the following estimates as to the appropriations and expenditures for the year 1836, viz:

Estimate of appropriations required for the service of the year 1836,		$17,515,933
Appropriations for the service of the year 1836, made by former acts of Congress,		2,273,000
Appropriations not required for 1835, which it is proposed to apply in aid of the service of 1836,		344,707
Existing appropriations which will be required to complete the service of the year 1835, and former years, but which will be expended in the year 1836,	$7,306,765	
Deduct appropriations not wanted,	475,321	
		$6,831,444
Total appropriations for 1836,		$26,965,084

But the entire amount of these appropriations will not be actually expended during the year; the last year a little over seven millions were unexpended. It therefore will be reasonable to conclude that about twenty millions will be required to complete the service of 1835 and former years, and for the ordinary service of the year 1836. This estimate of the Secretary of the Treas-

ury is only for the ordinary service of the year, and has no reference to the extraordinary expenses of the Florida Indian war, for fortifications, (except the ordinary appropriations for that purpose,) ordnance, increase of the navy, Indian treaties, or any other extraordinary objects of expenditure.

More than two millions have already been appropriated for the expenses of the Indian war in Florida, and as the hostile Seminoles have not been subdued, a considerable force must be kept there during the year, as little can be expected to be done during the warm season. Five millions will be a very moderate estimate for the expenses of this war, and it is to be feared they will exceed that sum. The two important Indian treaties now before the Senate, should they be ratified, will, it is understood, require an expenditure of about seven and a half millions; so that these two heads of extraordinary expenditure alone will amount to twelve and a half millions. But there will be others, amounting to several millions, independent of fortifications, increasing the navy, and all other objects of permanent defence. The frontiers of the States west of the Mississippi have become much exposed to Indian hostilities by the removal of nearly all the Indians east of the Mississippi to the country west of those States. There is said to be two hundred and forty thousand Indians west of that frontier. The war now raging in Texas will, from the known character of the Indians, be likely to enkindle a spirit of hostility among some of those tribes, and additional troops will be required for the defence of that exposed frontier. There is, I understand, a bill before the House providing for raising a regiment of dragoons, and authorizing the President to accept the services of companies of volunteers, not to exceed ten thousand men, for the defence of the western frontier. This bill will probably become a law, and will involve a considerable expenditure, probably not less than one or two millions.

These three heads of extraordinary expenditure alone, added to the ordinary disbursements of the year, will make about thirty-four millions and a half, which, deducted from fifty-four millions, the whole revenue of the year, would leave but nineteen and a half millions. What would be the situation of the Treasury, if this bill were to pass? It would draw from it the present year about thirty-seven millions and a half. The sums given are the gross amount, from which some deductions are to be made. This would occasion a deficit of eighteen millions, without any appropriations (except the ordinary) for fortifications, ordnance, increasing the navy, or other permanent objects of defence. How is this deficiency to be supplied? There are but two ways. We must either raise the duties on imports, or borrow the money. If there was to be an increase of the customs, it must be done by restoring the duties on the free articles, as the rates of duties cannot be interfered with consistently with the compromise act of 1833. But the mode of doing it is not material; in any way, it will be a tax on the country. Will you distribute the money now in the Treasury among the States, and then raise, by increasing the taxes, fifteen or twenty millions for the public service? This is the question which Congress and the country are called on to decide. There can be no essential error in this statement; for if the estimate of the receipts from the public lands should be too low, it would not vary the result; for the whole proceeds of the land are to be distributed. Should this bill pass, the twenty-nine millions now in the Treasury, being the amount of proceeds from the lands for the years 1833, 1834, 1835, and the first quarter of the present year, would be distributed to the States in instalments, commencing in July, whether there was a dollar left in the Treasuay or not. Are the people prepared to pay fifteen or twenty millions in taxes, for the sake of having the money now in the Treasury, and which is wanted for the public service, divided among the States and squandered on works of internal improvements? All the objects, too, for the more complete defence of the country must be abandoned.

If the bill should not become a law, there will, according to the estimates and statements made, be a surplus at the close of the year of about nineteen millions. The various public and private bills before Congress will probably reduce it to two or three millions below that amount. Are there no national purposes to which this fund can be applied wisely and judiciously, for the common benefit of the whole Union? Is it not wanted for the more complete defence of the country? Is there any one, however averse to an extensive system of fortifications, who can doubt that this sum is wanted for fortifications, the increase of the navy, ordnance, and the improvement of navy yards? The question is not whether this sum can be judiciously and economically expended on these objects this year, for that is not necessary; but whether it is for the interest of the Union, whether it is wise and patriotic, to retain this surplus, now we have it, and apply it, as fast as it conveniently and economically can be, to the defences of the country. On this question I should think there could be but one opinion; the sum is less than one quarter what has been estimated by the engineer department and the navy commissioners, as being required for the objects specified.

On the subject of fortifications, and the defence of the country generally, the report of the Secretary of War recently made, is a most important and valuable document. His views are sound, judicious, and practical; they evince a thorough knowledge of the subject, and an eminent discrimination and judgment in the application of that knowledge. He does not contemplate a system of fortifications, for the protection of the sea coast, but only for the defence of certain points, as the large cities and navy yards; and for these purposes, he does not recommend large and strong fortifications, constructed to stand a regular siege. In the views of the Secretary of War, differing somewhat from those of the engineer department, the President has added his full concurrence.

The engineer department have estimated the expense for completing the military defences of the United States, including fortifications, ordnance, arsenals, depots, &c., at about sixty-one millions of dollars. This entimate is made upon a larger and more comprehensive scale of fortifications than the President and Secretary of War recommend. To complete the fortifications now under construction, the estimate is $11,609,444, and for the first class of new forts, they estimate $5,873,000; and for ordnance for the forts, $17,840,249. This is a subject on which I do not profess to be competent to form any opinion; but I have now, as I always have had, a strong aversion to an extensive system of fortifications; it does not seem to be consistent with the genius of our institutions, and has, in my mind, an intimate connexion with a standing army.

The board of navy commissioners estimate the expenditures for the naval purposes, as follows:

For increase of the navy and purchase of materials for preservation, to be used in case of war, -	$17,760,000
For ordnance for the navy - - -	1,800,000
For navy yards, - - - -	3,600,000
Total, - -	$23,160,000

For all these important objects, connected with the permanent defence of the country, the surplus of the present year, amounting to from fifteen to twenty millions, together with the small surplus there may be the

two ensuing years, cannot, it is believed, be deemed more than a reasonable and adequate provision. If any thing can add to the fitness and propriety of applying the present surplus to the permanent defences of the country, it is the consideration that this fund is not a surplus revenue, as seems to be supposed. Twenty-nine millions, out of the thirty-two in the Treasury, have been received for the sale of the public lands the last three years, and twenty millions during the past year and the first quarter of the present year. This fund has not accrued as a revenue, but from the sale of the public property—the sale of the national domain, the most valuable inheritance that any nation ever possessed, and which is rapidly wasting away. Is there not a peculiar fitness and propriety that this fund should be reinvested in permanent works for the common benefit and security of the whole country?

Mr. President, the most important view of this subject still remains. This must be regarded as a bill for the sequestration of the public lands, and the division of them, in whole or in part, among the States, and of course withdrawing this branch of revenue from the Government of the Union. Looking at this measure in this light, it is one of the highest importance, not so much in a financial point of view, as from its political bearings and influence. What may be the effects of a measure, resting on principles so new and dangerous, no one can foresee; but that its operation might be to change our political system, is perfectly clear to my mind. This measure has been attempted to be supported on two grounds, neither of which, it is believed, can be sustained:

1st. That it is constitutional, just, and expedient to divide the public lands among the States on general principles, and without any reference to the present state of the Treasury; and

2d. That it is proper, as a temporary measure to relieve the country from the evils of a redundant Treasury, by disposing of a surplus which is not wanted for the uses of the federal Government.

In relation to the last ground, it is sufficient to say, that it is not true in point of fact. There is no such surplus as this argument presupposes; and no surplus at all, which is not wanted for constitutional, legitimate, and highly useful objects, pertaining to the Government of the Union. I have already examined this question, and endeavored to show that the surplus at the end of the present year would not exceed twenty millions, and would, in all probability, fall short of that sum; which, upon the most moderate scale of providing for the more complete defence of the country, would be wanted for that object, and no doubt considerably more.

But, if there was a surplus, a distribution of it among the States would not be the proper remedy. It would be unwarrantable to attempt to remove a temporary evil by a measure resting on a new and dangerous principle. If there is an excess of revenue, which has, and is to continue to accumulate in our Treasury, the rightful and proper remedy is to remove the cause, to reduce the revenue. Stop the money from flowing into your Treasury, and it will then distribute itself among the people, which is the only just and constitutional distribution. This will be the only just distribution, because it will distribute the money not wanted for the purposes of this Government among the people, and in the exact proportions which they contribute towards the taxes.

It is true the present surplus has mainly accrued from the sales of the public lands; but it is within the power, and it is the solemn duty of Congress, so to shape their legislation as to prevent the accumulation of more money in the Treasury than is required for the constitutional purposes of this Government. And it is our duty so to regulate and restrict the sale of the public lands, or so to reduce the customs, as to avoid a surplus. Nothing can be more unjustifiable, or a greater abuse of legislation, than to draw more money from the people than is wanted for public purposes, whether by taxation or the sale of the public property. The accumulation of revenue last year was an extraordinary result from speculations in the public lands, which cannot continue. Still there is reason to apprehend that the money received from this source, whilst the imposts are at their present amount, will, for several years, occasion some excess in the revenue. And as the tariff act of 1833 prevents any essential change in the customs for several years, it appears to be necessary that there should be some further legislation calculated to regulate and limit the sales of the public lands. There are other than financial reasons in favor of such a measure. The national domain ought to be preserved for actual settlers for generations to come. What is not wanted for actual settlement should be held by the Government, especially when we have no occasion for the revenue derived from the sale of it. As long as it is held by the Government, the same advantages of emigration and settlement on the uncultivated lands, as are now enjoyed, will extend to future generations. These advantages are of great importance to the whole country, being a sure resource for the disappointed, the unfortunate in the old States, and all who have not the means to acquire an interest in the soil in the older settlements in the Union. In the unsettled lands, the vast extent of the public domain, every individual who is so disposed, however limited his means, can acquire an interest in the soil and become a freeholder. But if these lands are suffered to go into the hands of speculators and capitalists, at the rate they have the last year, the actual settlers will have to purchase of individuals instead of the United States, and may be compelled to pay ten dollars per acre for lands they can now get at one and a quarter. The capitalists of the country should not be suffered to monopolize the national domain, and thus interpose themselves between the Government and the actual settler. A law, properly guarded, confining the sales of the public lands to actual settlers, appears to be demanded by the highest considerations. With a view merely to regulate the revenue, the law might provide the maximum beyond which sales should not be made in one year. As the matter now stands, no calculation can be made on this branch of revenue, as the receipts within a few years have varied from one million to fifteen millions, and the first quarter of the present year they have been at the rate of twenty millions.

Mr. President, I will now proceed to make some remarks on the main question presented by this bill, which is, the constitutionality, justice, and expediency of dividing the public lands among the States. This measure is too important, and rests on a principle too novel and dangerous, to be sustained by any temporary reasons, or any other conditions, than that it is constitutional, right, just, safe, and proper, to divide the public domain or the proceeds of it among the States, and take away this branch of revenue from the federal Government.

Before considering the objections to this measure, let me ask what are its advantages? It is claimed, in the first place, that by taking the money now in the deposite banks, and dividing it among the States, it will be put in circulation, and thus relieve the present pressure on the money market. This advantage would be temporary, and of little importance, if true; but the effect of the distribution would be directly the opposite. The banks, if called on to pay the money, would have to press their debtors, which would increase the distress; whilst the money, when distributed, would be withdrawn from use for several months, as the Legislatures of the States would have to be convened before any disposition could

be made of it. But this matter, being entirely temporary, is of little moment.

The main benefit calculated upon, from the measure, is to increase the resources of the States. As the bill was first introduced, it directed the application of the money either to internal improvements or education. As it now is, it may be applied to any purpose whatever, and will be entirely subject to the disposal of the State Legislatures. They can apply it to their ordinary expenses, if so disposed. It is to be presumed, however, that in general it will be applied to works of internal improvements, and this may be regarded as the object of the bill. It is to provide for carrying on internal improvements by the funds of this Government, through the agency of the States. It is attempting to do indirectly what it is now admitted we cannot do directly. What will be the effect of the sudden application of nearly fifty millions of dollars to objects of this description? Will it not give an undue and dangerous impulse to the spirit of internal improvement? and does not that spirit now require rather to be checked than stimulated into greater activity? What will be the effect on the business of the country of withdrawing so large a capital from other pursuits, to be invested in railroads and canals? And this must be the result, as the funds of the Government are loaned out to individuals, who are employing them in the various departments of useful business; and they must be collected in, when the banks are required to pay over the money. It is an error to suppose that those funds are in the deposite banks. They are in the hands of individuals, and, should this bill pass, must be withdrawn from the debtors of the banks, and of course withdrawn from those branches of business in which they are now employed. Would not the great interests of the country suffer, by withdrawing so large a capital from them, and investing it in canals and railroads?

Would not this sudden impulse to internal improvement be likely to involve the States in extravagant and ruinous projects? A considerable portion of the works of this kind are of little or no value. The principal canal in my own State, continued by another in the State of Massachusetts, both of which have cost nearly one million of dollars, is of no value. Many in other States are of a similar character. It would seem that the moneys expended by the Government of the Union on canals and roads should admonish us against wasting the resources of the country on unimportant objects of this kind. Congress has appropriated nearly ten millions of dollars to roads and canals; about six millions on the Cumberland road; one million on the Delaware and Chesapeake canal; one million on the Chesapeake and Ohio canal; half a million on the Dismal Swamp canal; and some others. What return has ever been received for these vast expenditures? and what is the value of these expenditures? and what is the value of the stock of these canals? A bill is now pending for the assumption of the Dutch loan, due by the cities in this District, making about two millions more on account of the Chesapeake and Ohio canal.

How will the States apply these funds? Some of them are constructing works in behalf of the State, and will probably apply them in that way; but most of the States will invest the money in subscriptions to stock in corporations, and thus increase the power and influence of these dangerous monopolies.

Railroads are at this time the most popular kind of internal improvements, and when constructed by corporations, with the chartered privileges which have been conferred on them in the eastern States, are the most dangerous monopolies which have ever been permitted to exist in a free country. They are merely private ways, and no person can use them, or pass over them, without the consent of the company. They are allowed to fix their own rate of tolls, whilst their advantages enable them to destroy all competition by stage lines, or other means of conveyance. Like all other monopolies, their advantages, whatever they may be, are enjoyed exclusively by the company. They are little or no benefit to the public, whilst they are a serious injury to the agricultural class, by throwing out of employment the great number of horses now used in stages, and other modes of conveyance, and destroying the market which was thus created for the products of farms.

It may be laid down as a general truth, that neither railroads nor canals are of general utility and advantage to the country, except where they tend to raise the price of the products of agriculture or increase the demand for labor. And these results are only produced by such canals or railroads as open a market, by supplying cheaper and better facilities of conveyance to portions of country which were deprived of one. In all other cases, railroads and canals are of no general utility, and add nothing to the common prosperity. Their advantages are confined to a very small class, whilst their disadvantages affect a very numerous class. The fallacy of these, and all other expedients for advancing the prosperity of the country, by any other means than by increasing and giving greater scope to its industry, must soon become manifest. Is it right and just to tax the people for objects of this kind? or to apply the funds of the whole people to purposes which can be beneficial only to a few, and those the wealthy classes?

But it is alleged, as another advantage of this measure, that it will settle the long agitated question of internal improvement as relates to this Government, will quiet the public mind, and strengthen the Union. I cannot concur in this opinion. Is it to be supposed that this question is to be settled by agitating it in a new and more dangerous form? What is this but the old question of internal improvement in a new and disguised form, and therefore the more dangerous?

The Senator from Kentucky [Mr. CLAY] says the West will not long submit to have all the public money expended on the seaboard. Sir, this is a slander on the West. Will the people of the western States wish to see the constitution violated, or any dangerous principles introduced into the Government, to secure what they may conceive to be an equal participation in the advantages of the expenditures of the public money? I I do not believe it; the gentleman does great injustice to that patriotic portion of the Union. I, as a citizen of the East, and a representative of an eastern State, will defend the West against this unworthy imputation. Neither can I admit the justice of this complaint; the West have their share of the public advantages. The disbursements in relation to the public lands, and the numerous grants which have been made of them for the purposes of education and internal improvements, are at least equivalent to all the benefits enjoyed by the people in the Atlantic States from the disbursements of the Government. It is a mistake to suppose that the public money expended at any place is essentially beneficial to the contiguous population. The supplies and property purchased may come from a distant part of the Union.

But whilst the advantages of this measure, either to the States or the Union, are of a doubtful character, the objections to it are of the most serious kind. The first difficulty is the very great doubt as to the power of Congress to make such a disposition of the proceeds of the public lands. With the exception of Louisiana and Florida, these lands were ceded by several of the States to the United States, and the rights and powers of this Government over them were derived from those cessions, which have been confirmed by the constitution. We must then look not only to the terms and conditions of

the grants, but to the circumstances and purposes for which they were made. The United States were carrying on a war, and had become deeply involved in debt; they had the civil and military expenses of a Government to meet, whilst they were destitute of revenue, and had no power to raise one dollar, either by direct or indirect taxation. Their only reliance under the confederation was upon requisitions on the States. Some of the States possessed extensive tracts of waste lands, whilst others possessed none; and the latter contended that these lands ought to be ceded to the confederation, for the security of the public creditors, and as a common fund for the benefit of the Union.

Maryland and Rhode Island had refused to join in the confederation on the ground of this complaint. The Congress had repeatedly urged the States to cede their lands to the confederacy, and in October, 1780, adopted a resolution of which the following is an extract:

"*Resolved*, That the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the federal Union, and have the same rights of sovereignty, freedom, and independence, as the other States;

"That the said lands shall be granted or settled at such times, and under such regulations, as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them."

The grants of the several States were made in pursuance of this resolution of Congress, and all refer to it; and this resolution shows what was the intention and object of Congress. It proves that the Congress had two objects in view in obtaining the cessions from the States: one to promote the settlement of the territory and the formation of States to be admitted into the Union; the other, the disposal of the lands for the common benefit of the United States; not for the common benefit of the several States, or the States in their separate and sovereign capacity, but for the benefit of the whole in their confederate capacity.

In pursuance of the aforesaid resolution of Congress, the State of New York passed an act authorizing the cession of its lands. The following extract from the preamble explains the object:

"Whereas nothing under Divine Providence can more effectually contribute to the tranquillity and safety of the United States of America than a federal alliance on such liberal principles as will give satisfaction to its respective members; and whereas the articles of confederation and perpetual union, recommended by the honorable Congress of the United States of America, have not proved acceptable to all the States, it having been conceived that a portion of the waste and uncultivated territory within the limits or claims of certain States ought to be appropriated as a common fund for the expenses of the war; and the people of the State of New York being, on all occasions, disposed to manifest their regard for their sister States, and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing, as far as it depends upon them, the beforementioned impediment to its final accomplishment."

Here it is expressly stated that the object of the cession was to appropriate the lands as a common fund for the expenses of the war, which is wholly incompatible with the idea that they were to be a common fund to be divided among the States, or for the benefit of the States, in their several capacities.

The act of cession of Virginia provides "that all the lands within the territory so ceded to the United States shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said States, Virginia inclusive, according to their respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever."

The act of cession of Massachusetts provides that the lands were to be "ceded or relinquished to the United States, to be disposed of for the common benefit of the same, agreeably to the resolve of Congress of October 10, 1780." Connecticut "released and ceded her right of jurisdiction and soil to the country one hundred and twenty miles west of the western boundary of Pennsylvania, to the United States in Congress, for the common use and benefit of said States, Connecticut included." The cession of Georgia provides "that the lands conveyed shall be considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatsoever."

Whether, therefore, we regard the situation of the States at the time, and the object of the cessions, as apparent from the circumstances under which they were made, or the language of the acts of cession, it appears perfectly clear that those lands, so far as the right of property was concerned, were vested in the United States, or such of them as had joined the confederacy, and were to constitute a common fund, for the benefit of such States, in their federative capacity, and not in their separate capacity, as independent sovereignties. The States were to share in this fund, in proportion to the general charge of expenditure, as apportioned by Congress among the States. So far as the expenses of the confederacy could be defrayed from the proceeds of these lands, the requisitions upon the States were to that extent diminished, and in the same proportion as the States were assessed. But the rule of apportionment adopted in this bill is entirely different from that prescribed in the grant of Virginia. The bill assumes as a rule the federal population, which is a principle of political power, compounded of free and slave population. The rule adopted by Virginia was that of the general charge and expenditure as established by the articles of confederation, which provided "That all charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common Treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land, and the buildings and improvements thereon, shall be estimated according to such modes as the United States in Congress assembled shall from time to time direct and appoint." If there was any authority for a division of the proceeds of the lands among the States, this bill has departed from the rule laid down in the cession of Virginia, and assumed a principle then wholly unknown. The language of the Virginia grant is very strong and guarded; and it not only provides that the lands shall be a common fund for the United States, but adds that "they shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever." They were not to be disposed of for the benefit of the several States, but for that of the United States, or the confederacy, which, under the confederation, was regarded as the general Government, with heavy charges upon it, and then carrying on a war. According to the express terms of the Virginia and Georgia grants, this fund could be applied to no other purpose whatsoever than the benefit of the confederacy. The intention of the grants was to provide a fund for the

confederacy, not for the States, which, possessing the power of taxation, could provide for themselves.

It has been contended that the clause "Virginia inclusive," proves that the fund was held in trust for the States; but there is no just foundation for this argument, as that clause was evidently inserted only from abundant caution, to secure to the granting States their share in the benefits of the fund, when applied to the purposes of the confederacy, and which would diminish the requisitions to be made upon the States. These cessions were confirmed by the constitution, with their conditions.

The Senator from Tennessee [Mr. WHITE] has referred to the opinions of the President as to the power of Congress, expressed in his annual message in 1830, regarding a division of the surplus revenue among the States. But the President then suggests doubts as to the power of Congress; and in his veto message he says: "The constitution of the United States did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that nothing in it shall be so construed as to prejudice any claims of the United States, or of any particular State, it virtually provides that these compacts, and the rights they secure, shall remain untouched by the legislative power, which shall only "make all needful rules and regulations" for carrying them into effect. All beyond this would seem to be an assumption of undelegated power.

These ancient compacts are invaluable monuments of an age of virtue, patriotism, and disinterestedness. They exhibit the price that great States, which had won liberty, were willing to pay for that union, without which, they plainly saw, it could not be preserved.

Considering these lands as vested in the United States, and appropriated to the uses and purposes of the Union, by the original grants, and which were confirmed in the formation of the present system of government, will it not be inconsistent with the grants to divide the fund arising from the sale of them among the States?

The federal Government possesses two means of raising a revenue, both of which were derived from the States. The first is the public lands or domain; the second, the power of levying and collecting taxes, both direct and indirect. The power of levying taxes, like all other powers of this Government, is specific and limited; it is in its very terms confined to the purposes of the Union: to paying the debts and providing for the common defence and general welfare of the United States. And if the language of that particular grant was not so limited, it could receive no greater extension, as that would be incompatible with the theory and structure of the Government. The Government of the Union was established for certain specific purposes and objects, defined in the grant of its powers; and the power to levy and collect taxes must be co-extensive with those purposes, and can extend no further. To maintain that Congress can raise a revenue for purposes beyond the sphere of its action, is a most preposterous and alarming proposition. If you step one inch beyond that boundary, there is no limit to the taxing power; and it might be so exercised as to annihilate the States.

Considering the taxing power as confined to purposes distinctly federal, it cannot be exercised, even for those purposes, except in connexion with the other source of revenue—that derived from the public lands. They were both conferred by the States on the Union, and for the same purposes; and the taxing power cannot be rightfully resorted to, except to supply the deficiency there may be in the revenue derived from the sales of the public lands.

To dispose of the revenue accruing from the sales of the public lands upon objects not federal, not within the action of this Government, and then supply the deficiency by taxes, would be a most palpable abuse of the taxing power.

The power of taxation excited more alarm and occasioned a more determined resistance than any other in the constitution; it was the point against which that distinguished champion of popular rights, Patrick Henry, directed his powerful eloquence.

This bill will withdraw one entire branch of the public revenue, and of course throw all the expenses of this Government on to the other. It is true it is limited to five years, but the principle leads to this result; and, when once adopted, it will be acted on from time to time. The great champion of this measure admits that this will probably be the case, and says it is the greatest recommendation of the bill.

Why shall this Government tax the people to raise money to distribute among the States? Will the people or the States be benefited by this operation? And what will be its influence on our institutions and the relations between the States and the Union? Would not such a principle reverse the order of things, and change the very system of the Government? The States possess the primary taxing power; they have conferred on this Government a special, limited power of taxation, for certain specific purposes, enumerated in the constitution. But if Congress shall raise taxes not only for the purposes of this Government, but also for those of the States, it will engross the entire taxing power reserved to the States.

What would be the inevitable effect of such a principle upon the States? Would it not be a fatal blow to their independence? Would it not have a more direct tendency towards consolidation than any other, or all other measures ever yet adopted? Would it not accustom the States to depend on this Government for their revenues, and even for their ordinary expenditures? And is it supposed that one community can be dependant on another for its expenditures, without gradually losing its independence and sinking into degradation? It is impossible. Would not the influence of this measure be the most pernicious and corrupting in the Legislatures of the States, and even on public sentiment among the people? This scheme of distribution is already pressed into the service of electioneering, and has been so used during the late election in the State I have the honor, in part, to represent. The people have thus far resisted its seductive influence, and maintained their integrity: how long they may be able to do it, remains to be known.

The suggestions of the President, in his veto message, in regard to the effect of this distribution scheme on the interests, the political rights, and the independence of the States, are deserving the most profound consideration. I will call the attention of the Senate to some parts of this message.

"It appears to me that a more direct road to consolidation cannot be devised. Money is power, and in that Government which pays all the public officers of the States will all political power be substantially concentrated. The State Governments, if Governments they might be called, would lose all their independence and dignity. The economy which now distinguishes them, would be converted into a profusion limited only by the extent of the supply.

"Being the dependants of the general Government, and looking to its Treasury as the source of all their emoluments, the State officers, under whatever names they might pass, and by whatever forms their duties might be prescribed, would, in effect, be the mere stipendiaries and instruments of the central power.

"I am quite sure the intelligent people of our several States will be satisfied, on a little reflection, that it is neither wise nor safe to release the members of their local Legislatures from the responsibility of levying the taxes necessary to support their State Governments, and vest it in Congress, over most of whose members they

have no control. They will not think it expedient that Congress shall be the tax-gatherer and paymaster of their State Governments, and thus amalgamate all their officers into one mass of common interest and common feeling. It is too obvious that such a course would subvert our well-balanced system of government, and ultimately deprive us of all the blessings now derived from our happy Union.

"It is difficult to perceive what advantages would accrue to the old States or the new, from the system of distribution which this bill proposes, if it was otherwise unobjectionable. It requires no argument to prove that if three millions of dollars a year, or any other sum, shall be taken out of the Treasury by this bill for distribution, it must be replaced by the same sum collected from the people through some other means. The old States will receive annually a sum of money from the Treasury, but they will pay in a large sum, together with the expenses of collection and distribution. It is only their proportion of seven-eighths of the proceeds of the sales which they are to receive, but they must pay their due proportion of the whole. Disguise it as we may, the bill proposes to them a dead loss in the ratio of eight to seven, in addition to expenses and other incidental losses. This assertion is not the less true, because it may not at first be palpable. Their receipts will be in large sums, but their payments in small ones. The Governments of the States will receive seven dollars, for which the people of the States will pay eight. But a little consideration will satisfy the people that the effect is the same as if seven hundred dollars were given them from the Treasury, for which they were at the same time to pay eight hundred."

In what situation will this distributing scheme place the two Houses of Congress? Will not its pernicious influence be felt in our entire legislation? Ought those who are intrusted with the high and responsible duties of making laws for the whole Union, and guarding and protecting the rights and interest of the whole country, to be placed in such a situation, that the local interests of their respective States are brought into direct conflict with those of the Union? If the principle of distribution is once established, and the States are taught to look to this Government for their revenue, will not the members of Congress be instructed to oppose all important measures calculated to diminish the general fund which they wish to distribute among the States? The interests of their immediate constituents must have a controlling influence on the minds of members, and the most zealous efforts to increase the fund for distribution would be regarded as the surest way to acquire local popularity. Every important measure for the defence of the country, or any other important object, would have to encounter this corrupting influence. This is really an agrarian law, as it virtually provides for a division of the public lands, not among the people, but among the States, where the scramble for a further distribution or division of it will be renewed. And will not this occasion all the evils and contentions which attended that species of legislation in ancient Rome? And so far as it might accustom the people of the States to look up to this central Government for money, would it not in some degree have the same pernicious influence as the laws of that ancient republic, which distributed corn among the people from the public granaries, and thus paralyzed their industry, destroyed their independence, corrupted their morals, and worked a change in the political institutions of the country? The inglorious author of those laws has transmitted his name to remote posterity, only to be despised for weakness and political profligacy.

Mr. President, I must apologize for having detained the Senate so long, and will close with one more observation. The honorable Senator fron Kentucky [Mr. CLAY] remarked that this was peculiarly a beneficent measure to the whole Union. A beneficent measure truly; which, disguise it as you may, is nothing more nor less than an artful scheme of raising money from the people by indirect taxation, to return to them again—no, not to return it to the people from whose pockets it has been taken, but to give it to their public agents. A beneficent measure, which bears upon its very face a concealed fraud; for whilst it purports to be an act of grace and bounty, it is, in fact and truth, only an attempt to buy up the people with their own money.

When Mr. NILES had concluded,

Mr. BENTON observed that, in reading over the bill that morning, as engrossed, he found that the amendments made yesterday to the second section, defining what the nett proceeds of the sales of the public lands were, did not apply to the third section, where the same amendments were equally necessary. He, therefore, moved to recommit the bill, for the purpose of having it amended in that particular. At the same time that he made this motion, he would inform the Senate that there were four gentlemen, including himself, desirous of being heard in opposition to the bill; the manner in which it had been carried through yesterday having prevented them from addressing the Senate on it. If the Senate refused the motion, these gentlemen were determined to speak to-day; and he, for one, would speak, if the sun rose and set on their session. He did not mean to let this bill go off without making his sentiments with regard to it known to the American people. If the recommitment were ordered, the bill would be reported to-morrow, and gentlemen would have an opportunity of then being heard on it; otherwise, they must speak to-day.

Mr. EWING hoped the motion to recommit would not prevail, as the proposed amendment was altogether unnecessary. The designation in the second section of the current items of expenses to be deducted from the sales of the year would be sufficient information to the Department as to what Congress meant by the nett proceeds of the sales of the public lands; and by it they would know the principles on which they were to make up the accounts.

Mr. MORRIS had discovered, on reading the bill, the same objections to it that had been mentioned by the Senator from Missouri; but, being altogether opposed to the bill in principle, he did not think it necessary to refer to them. He had very little concern with the details of the bill, and thought that those gentlemen who, like him, were opposed to it in principle, need not care for them. He should, however, be pleased if the motion of the Senator from Missouri prevailed, in order that those gentlemen who intended to address the Senate might have an opportunity of examining it, as it was now very different from the printed bill as it came from the committee. It was with great reluctance that he ever intruded on the time of the Senate, but he was so situated that he was compelled to address them on this occasion; indeed, he could not refrain from doing so, without violating what he considered to be an imperious sense of duty. How long it would take him to express his sentiments on this subject, he could not say—probably not long; and he hoped the Senate would indulge him as well as other gentlemen by a postponement. There had been no hurrying of this bill until the last evening, and he did not see any necessity for passing it that evening. If the objections of the Senator from Missouri had any weight, the bill ought to be recommitted; and he would suggest to its friends whether it would not be better to make it so plain that nothing should be left to inference in the Departments.

The question was here taken on Mr. BENTON's motion, and it was rejected.

Mr. MORRIS then moved that the Senate adjourn.

This motion was decided in the negative: Yeas 20, nays 24, as follows:

YEAS—Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wright—20.

NAYS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Robbins, Southard, Swift, Tomlinson, Webster, White—24.

Mr. PORTER then observed, that he would make a compromise with gentlemen opposed to the bill. If they would agree that the final question should be taken to-morrow, he would move to adjourn, and he hoped his friends on his side of the House would agree to it. He did not wish to compel gentlemen to speak at that late hour, and his friend from Missouri, as well as every member of the Senate, must see that the delaying of this bill delayed other important business which was suffering by the delay. He, for one, was determined that this bill should have precedence of all others.

Mr. BENTON said he fully appreciated the sentiments expressed by the Senator from Louisiana, but he could make no compromise. He was determined to speak on that bill before it passed.

Mr. MORRIS said he would much prefer addressing the Senate to-morrow than at that late hour. His address would not probably occupy a long time, and, if the Senate would agree to adjourn, he would agree that the final question should be taken to-morrow.

On motion of Mr. PORTER,

The Senate then adjourned.

FRIDAY, APRIL 29.

Mr. BENTON submitted the following resolution, which was considered and adopted:

Resolved, That the President of the United States be requested to cause the Senate to be informed whether any branch of the public service has suffered, or is likely to suffer, any injury, loss, neglect, or delay, for want of timely and adequate appropriations.

Mr. WEBSTER rose to move a reconsideration of the vote on agreeing to the resolution just submitted by Mr. BENTON. It was an extraordinary resolution, he said, and ought to take the usual course of lying on the table one day. Had he been in his seat when the vote was taken, he should have opposed its consideration at that time.

Mr. BENTON said he was willing to have the vote reconsidered, and for the resolution to lie one day. It was, he admitted, an extraordinary resolution, but it was introduced on an extraordinary occasion. Here they were voting money to distribute among the States, while they refuse to appropriate money for the expenditures of the Government, though it was known that the public service was suffering.

Mr. WEBSTER said that he only wanted the resolution to take the usual course.

The vote on adopting the resolution was then reconsidered, and the resolution lies on the table one day.

VERMONT MILITIA.

On motion of Mr. KING, of Alabama, the bill to provide for the payment of a regiment of Vermont militia, who served at the battle of Plattsburgh, was taken up.

The bill (Mr. K. said) had, in the absence of some necessary information, which he believed was now in the possession of the Senator from Vermont, been laid on the table on his (Mr. K's) motion, and it was for that reason that he moved to take it up.

The bill was then taken up, and considered as in Committee of the Whole, and, after some remarks from Messrs. PRENTISS and GOLDSBOROUGH in its support, and from Mr. KING, of Alabama, in opposition to it, on the ground that the evidence was not sufficient, the bill was ordered to be engrossed for a third reading.

LAND BILL.

The Senate proceeded to the question of the passage of the bill to appropriate, for a limited time, the proceeds of the public lands, &c.; when

Mr. MORRIS rose and addressed the Chair as follows:

Mr. President, it is with extreme reluctance that I rise to address the Senate on the present occasion, though somewhat used to legislative debates; yet, in this body, could I suffer my own feelings to be my guide, I should remain a silent listener, and be content with that vote which my judgment should dictate, rather than mingle in debate on this or any other question. But there are circumstances under which individual feeling must give way to duty; and individual judgment must be governed by the calls of public opinion, and when silence is no longer commendable, but is in fact a fault. Under these circumstances I find myself now placed. The bill under consideration is of an important character; it deeply affects not only the interest of the western country, but the United States generally. The Senators from Ohio have different views on this subject; and as one of them has had the opportunity, as chairman of the Land Committee, to express his views in a report, on the introduction of this bill, it seems to require of the other a duty with which he cannot dispense, and which he will now attempt to discharge. Before, however, I proceed to the examination of the principles of the bill, and the report upon which it is founded, I feel constrained to give a passing notice to some topics that have been introduced into this discussion. Like most others that have gone before, it has not been permitted to pass without some severe animadversions and strictures upon the course pursued by the present administration. And to alarm the country, and to hide the real deformity of this measure from the public view, it has been attempted to be shown that the public money in the deposite banks is unsafe, and, if not speedily drawn from those institutions, will be entirely lost to the country; and, as connected with this question, the safety and necessity of a United States Bank has again been urged on the American people.

I will not attempt to examine the assertions on these points. They have been so often met and refuted, that I will only say that I am entirely satisfied that they have no foundation in reality on which to rest. Connected, however, with this subject, there has been another charge made of a more grave and serious nature, and that, too, from a quarter which is calculated to give it force and effect in the country, and which, if true, would be just cause of fear for the safety and perpetuity of our institutions. It has been said, and that with a boldness that seemed to bid defiance, that there was a constant propensity and apparent determination, on the part of the friends of the administration, to increase the power of the Executive, and to decrease and bring into disrepute the legislative power; and this is attributed to that undue influence which, in the fancy of gentlemen, General Jackson is said to have, not only over members of this body, but over the country generally.

That General Jackson is a popular President, I freely admit; that he is deservedly so, I prove by the united voice of the great body of the American people; but that he has any of that servile class of friends who surrender their own judgment in obedience to his wish, I

am not disposed to believe; and while gentlemen complain in such strong terms of his withering popularity, as they call it, it would be well for them to examine why it is so, and ascertain the true principle upon which it rests. The people of this country sustain General Jackson, not because his word is a law to them, but because the public will is the law that governs his action. It will be remembered that during the administration of Mr. Monroe, and under the auspices of the Bank of the United States, there had been a constant tendency in the proceedings of Congress to build up systems and forms of government unknown to the constitution. The American system, claiming within itself an undefined and undefinable power, began to develop its objects under the next administration; it had brought that administration into power, against the known wishes and opinions of the American people. The whole doctrine of internal improvement, protecting tariffs, and, in fact, the whole domestic industry of the country, was claimed by Congress to be within its constitutional power; and the doctrine was openly avowed, that the representative should not suffer himself to be palsied by the will of his constituents. These alarming encroachments upon the constitutional rights of the people convinced them of the necessity of a change of measures, which was begun during the latter term of Mr. Monroe's administration; and General Jackson was looked to as a successor, not on account only of the military glory he had acquired at New Orleans, but for the firm integrity and disinterested patriotism he had displayed in every situation in which he had been placed, and his well known and inflexible republican principles. There was no local influence or personal feeling connected with his circumstances that would prevent him from being (what in fact he is) the second father of his country; and the people brought him into power by a most triumphant majority, for the express purpose that his administration might break down these newly created systems; and he has not disappointed their just expectations, but has faithfully, as far as in him lay, carried out those principles that brought him into power. This, sir, is the whole secret of his popularity; and though a combination of money, talent, and influence, before unknown in this country, has constantly assailed his administration, and, aided by the power of Congress, and in particular this branch, has endeavored to keep alive and preserve those systems, opposition to which brought him into power; yet his firmness in resisting them has been constantly met by increased popularity, and the people have been compelled to look to General Jackson to save them from the improvident legislation of Congress. I regret that this necessity has been imposed on the country; yet such will be the result until the will of the constituent body is faithfully carried into effect in the halls of legislation. Let gentlemen who occupy seats in Congress, and who complain of the popularity of the President as dangerous, if not ruinous to the country, profit by the example he has set them; let them faithfully represent the public will, and not attempt to build up systems to advance the interests of one portion of the community at the expense of the other; let them carry into operation the power of the people, and no longer endeavor to exercise power over them, and they will be equally popular with the President, and render the exercise of executive power uncalled for in curtailing their acts. It is not the condition of men that renders them honorable or popular in this country, but a faithful discharge of the duties which they undertake to perform.

It has been also said in the course of this debate, as matter of alarming tendency, that it is claimed for the President that he is the representative of the people, and that General Jackson has put up such claim in his own behalf, as the single representative of the whole people of the United States. Whether these assertions be well founded or not, I think it unnecessary to inquire. I have never been alarmed at the cry of danger from Executive power. That power, though extensive in its operations, is held under so many checks and restraints, that I have always viewed it the weakest and least dangerous of the three great powers of this Government. It is, in the first place, an elective power by the whole people for a short period of years; and being intrusted to a single person, it is watched with the most vigilant attention; and the least departure from correct principles is deeply noted in the public mind. It is a power which can originate no measure, but is the agent and subject to the orders of the other great powers of the Government. Being in the hands of one man, he is subject to impeachment by the representatives of the people; and the Senate, with the Chief Justice at its head, are his judges. It would be strange, indeed, if the executive power, thus checked and circumscribed, first by the people, then by the other powers of the Government combined, should ever become dangerous to the liberty of the country. The framers of the constitution have thrown too many guards around it to excite any such fear. I am myself clearly of opinion, that if the liberties of the people of this country are ever destroyed, it will be the act of an American Congress; and the first scene of the grand drama, constituted as the Senate now is, will take place in this body.

But, sir, we are told of danger, because it is said that the President is the representative of the American people. And pray, sir, what ought he to be? Ought not each and every branch of this Government to faithfully represent the American people in the discharge of the duties assigned them? I hold they ought. The President ought so to execute the laws as the people would do, could they act collectively on the subjects; in fact, public opinion ought to be the rule of his conduct; and I venture still further, and say that the judges, in the construction of laws, ought to be guided by the weight of public sentiment: it is public virtue and public opinion that sustains, and ought to direct, each and every department of the Government, as well as the collective energies of the whole. An attempt to overturn this principle was made by the introduction of the American system; a branch of that system, the doctrine of internal improvements, was recognised by Congress, but overthrown by the veto of the President. He has been triumphantly sustained by public opinion. The Bank of the United States, another branch of the same system, has also fallen under the veto power, and a like result has followed. But still gentlemen are not satisfied, or disposed to abandon this hopeless contest. They have, by the introduction of the bill under consideration, changed the mode of attack, but not the nature of the war. Adhering to the doctrine, that by patronage they can acquire popularity, having been foiled in their attempts heretofore to appropriate money to favorite objects and persons, to be expended by the agents of this Government, they are attempting by this bill to bestow money upon the States, by which it is no doubt hoped that the very objects which have heretofore been attempted may be gained in a more covert, insidious, and hidden manner; and that popularity which was to be gained from individuals, is to be transferred to States. Sir, I predict this last scheme will prove more fatal to its friends than any of the class to which it belongs. It is true we have heard much said in its favor, and both talent and eloquence have been employed in its support; but, for myself, I have heard nothing new in principle, or forcible in argument, that is not contained in the report of the committee on this subject. I have turned my attention to that report, as embodying in the ablest manner all the argument and reason that can be brought

together in support of the bill; a report drawn up, no doubt, with great care and deliberation. I shall endeavor to examine that report, and show that it is both fallacious and inconclusive.

The committee assume in their report that there is a vast surplus of revenue in the Treasury; that this state of things is not desirable, because its natural tendency is to produce extravagance in appropriation, and wastefulness in the expenditure of the public money. This is a truism in part, not to be controverted; but if it be true that this surplus actually exists, it is strange that the committee, after having discovered this wasteful disease and its cause, instead of recommending a radical cure, should propose to extract the infectious matter from this Government, and diffuse it into the State Governments, and thus innoculate the entire body politic. To prevent its effects here, this political empiricism would be productive of the most fatal results. The reduction of the customs, which would be a complete and effectual cure, the committee believe cannot, or rather ought not, to be resorted to, because it would awaken, as they say, feelings dangerous to the peace and harmony of the country. And the reason assigned for this strange conclusion is, that the tariff law now in force is the result of compromise of the opinions of citizens in different sections of the Union, and ought not to be disturbed, unless a strong political necessity calls for some new modification. The first position assumed by the committee I believe to be founded in error, and calculated to mislead the public mind.

The tariff, as it now exists, is not the compromise of the opinions of the citizens in the different sections of the country, because it is too evident to require proof that the citizens of the United States have constantly been opposed to a protective tariff, and to the collection of taxes, either directly or indirectly, to a greater amount than would be necessary for the support of the Government; and on this ground have they constantly opposed the whole doctrine of internal improvements by Congress. The present tariff law is rather the result of a compromise between individual members of Congress, representing different sectional interests of the country, and was entered into for the advancement of those interests, independent of any consideration of results, as operating upon the citizens, generally, in each and every section of the Union. The measure was a foul conception, and produced an unnatural offspring. Its first-born was an attempt to bind the hands of any future Congress from legislation on the subject, for a given term of years; its next has been to accumulate money in the Treasury, which may be used to corrupt this Government, or be used for corrupting the Governments of the States, as may best suit the interest or convenience of those who have for the time being the power of its disposal. And under this unnatural state of things, it is said that the present rate of duties must be continued, and kept up for the proper regulation of commerce, and may be necessary for the ordinary wants of Government. If this last be true, then indeed ought not the customs to be reduced; and if sufficient for the ordinary wants of the Government is to be raised by the customs, then the public lands ought no longer to be considered as a source of revenue; but I confess I am unable to see either the truth or force of the former part of the argument. Duties for the proper regulation of commerce do not depend on the amount, but on their equality in the different ports of entry in the United States. If this be correct, (and I deem it an undeniable position,) then the whole argument, on this point, falls to the ground; for surely the customs can be so lessened as to reduce entirely the whole surplus revenue in the Treasury. The attempt to tie up the hands of a future Congress, by the mere operation of a law, is a still more palpable error. The legislative power of the country is at all times equal; it has no bounds but the constitution, and ought to have no other guide than the public will: where that leads, it ought always to follow. It is essential to the welfare of the country, as well as the maintenance of equal rights, that the legislative power should constantly be free and unincumbered, except as has been mentioned; but this never would be the case if its deliberations could be prevented from being had on any subject by existing laws, over which it ought not to exercise any control. It would establish this dangerous principle, that the power of the people is not always competent for the maintenance of their rights. The proposed measure of increasing the appropriations for fortifications, the navy, and general defence of the country, is not by the committee attempted to be directly negatived; but it is said that large and liberal appropriations of money for these purposes, though just and proper in itself, cannot be well applied, and ought not to be made; because it is not in our power to supply proper materials and skilful engineers for this purpose. This is, at least, the force of the argument; and on account of this exigency, no more than ordinary appropriations ought to be made. I am at a loss for words to express my surprise at this argument; nor can I for a moment admit its correctness; I can view it in no other light than a libel upon the American people, and an imputation on their skill and industry—that people, whose inventive faculties and mechanical genius have not only surpassed former ages, but are the wonder of our own, and who have subjected the very elements to the condition of a laborer in their employ; that this people should be told by their representatives that they have not sufficient knowledge to erect forts, build ships, and other public works to any extent, and in the best possible manner, is an assertion as new as it is unjust. But the committee, as if they felt the full weight of the objections that could be rightfully urged against this proposition, and the fallacy of their own argument in its support, endeavor to sustain themselves by another, and, as they suppose, a serious objection to the appropriation of liberal sums for the protection of the country; and that is, that the appropriations, or the larger portion thereof, would be expended upon the seacoast, or in our great commercial cities; and the committee seem to claim, as a matter of right, the expenditure of money by this Government in a general distribution over the whole surface of the United States. This again is a delusive argument, addressed to the selfish passions of men, and more particularly to western citizens; and it is well calculated to ensnare public opinion, and draw it aside from the real merits of the case. To object to the application of the public revenue in the erection of fortifications and building of ships, because it does not at once scatter the money over the whole United States, is an argument in itself a perfect solecism. As well might an objection be urged, that food is conveyed into the stomach alone, and that the other members of the body are neglected, as complain of the erection of defences upon the seaboard, or in our commercial cities. It is the fitness of the place for sustaining the body politic that should require our care, and not any partiality for its inhabitants. The protection and safety of our large commercial cities, as well as the seaboard, are essentially connected with the welfare of the interior country, and the interest and prosperity of the far west; a blow struck there, would vibrate through the whole Union. It is the safety of the outposts that gives peace and security to the country. We of the West ought to feel as deep an interest in the safety and security from foreign aggression of New York or Philadelphia, as any of our own cities; and this would be the case, could we divest ourselves of that selfishness to which all men are more or less liable. There is nothing,

then, in this argument, when rightfully considered, that we ought not to make large, liberal, and extensive appropriations of money for the defence of the country, because the greater part thereof will be expended in our great commercial cities, or upon the seaboard. Many, and I have no doubt most of our constituents, have never seen this Capitol, with all its gaudy and expensive decorations; and a goodly number, it is highly probable, have never seen the hall of legislation in their own States, or even the court-houses in their own counties: nor have they felt any direct influence or gain arising from the expenditures of money in the erection of either; yet they have contributed, and cheerfully too, for the erection of all those objects, because they are necessary in the due and regular administration of justice, as well as for the safety and security of individual rights; and they have done this without a complaining murmur that no part of the money was disbursed on their own farms.

The reducing the price of the public lands, or the ceding them to the States in which they lie, is next considered by the committee. The first objection to a reduction of price is, that it would tend to reduce the price of real estate generally. This objection is not well founded; the price of an article is a relative term, wanting both stability and uniformity: it is the effect not of reason or justice, but frequently of caprice or whim; and not unfrequently of taste, convenience, or necessity. But as to the public lands, justice, reason, convenience, and necessity, all seem to unite in requiring Congress to reduce the price; and if this argument of the committee be valid, it applies with equal force against the introduction or erection of any new machinery, or the establishment of any new trading-house, for those now in existence will be lessened in value thereby—a position which I believe the committee themselves would not contend for.

The next objection to a reduction of the price of the public lands, is, that it would operate to the injury, not the benefit, of the country in which the lands are situated. This argument is attempted to be sustained on the same ground as the former, by making its application more local, by the assertion that it would reduce the price of all land in the neighborhood *pro rata* with that of the public land. In reply to this argument, I beg leave to remind the committee that the united voice and almost unanimous opinion of the people, in all the States in which the public lands are situated, is against them as well as the opinion of every intelligent and unbiased citizen who has any correct knowledge of the new countries. They all well know that the Government, which secures the greatest quantity of happiness and comfort to the people is unquestionably the best; and that the surest means to accomplish this desirable end is to enable every man to become a freeholder, so that he can have the satisfaction of saying that some spot, however small, is his own; that the Government of his country is bound to protect him in its quiet enjoyment; and that, when he shall return from his daily labor to his hearth and his fireside, none shall be suffered to make him afraid: the sleep of such a man will be quiet, and his repose sweet; and, no matter how coarse his fare may be, his love of country will never fade nor languish. Such men as these are the true riches of government, and will always be found ready to defend their country for their country's sake. It ought to be our most ardent wish and constant policy to provide means by which every man in the United States might become a freeholder, if that freehold did not consist of more than twenty-five acres; indeed, it matters not so much as to quantity, if a right to the sale be the lot of every citizen.

Another objection made to a reduction of the price of the public lands by the committee is, that it would encourage speculation, and throw the whole of the public domain into the hands of sharp-sighted capitalists, who would be enabled to retail it at advanced prices to actual settlers. This objection is more showy than solid, for every day's experience teaches us that speculation in articles of high value is more common than in those of low; when the Government lands were sold at two dollars per acre, speculation was as much complained of then as now. It is the relative, not the actual value of an article, that induces speculation. But this objection is easily obviated by providing for the sale of the public land to actual settlers only, and in limited quantities.

The last, and which the committee consider the most important, objection to the reduction of prices in the sale of the public lands, or ceding them to the States in which they are situated, is, that the several States, by their deeds of cession to the United States, vested only a trust power; and that the Government of the United States is only the mere trustee of the several States, bound to carry into effect the grants made by the States for the specific purposes intended by the grantors; and when those purposes are fulfilled, the residue of the grant does, and of right ought, to revert to the States; and, extending the trust power further than I believe it has ever been extended in equity, they give the trustee the power to change the nature of the trust, and convert the land into money, and distribute that among the States. And one further stretch of the imagination leads the committee to conclude that lands acquired by the United States, by virtue of treaties made since the adoption of the constitution, have been paid for by money had from the sale of lands ceded by the States, and, according to the rule laid down, they subject the proceeds of these lands to the like disposition.

My first objection to this fine-spun and subtle theory is, that I have serious doubts that the sovereign power of a country, at least the sovereign power of this Government as vested in Congress by virtue of the constitution of the United States, can, in any case, become a mere and naked trustee; though it may be said the idea is borrowed from monarchical power, yet it is no less correct, that the sovereign power of a country, be it vested in whom it may, is supposed to be constantly employed for the public good, and that no partial care can enter into its composition. It cannot subject itself to control by any part of those over whom its constant duty is to watch for the welfare of all; nor can it act in subordination to any other power; for, in either case, it would be an abrogation of sovereignty. But it is not absolutely necessary to sustain the argument that I should rely exclusively on the general doctrine that the sovereign power, where it is primary, original, and confined in its operation only by constitutional limits, as is the case with the legislative power of the States, cannot be a trustee; yet in a Government like that of the United States, where its whole action exists and is brought into operation by grants, the exercise of its power must be limited and brought expressly within those grants; and I contend that in no part or clause of the constitution of the United States is the power granted to Congress to become a trustee in any case; no, not even for the purpose of diffusing knowledge amongst men. But if such power can be inferred from the constitution, it must be from some general grant in that instrument; and, if so, by virtue thereof, the United States can not only act as trustee for the several States, but may be the trustee of any foreign gentleman or State whatever. This Government, if this position be correct, can become the trustee of the Barings or Rothschilds in the management of any money concerns they may think proper to establish in this country, whether it be for the diffusion of knowledge amongst men, or of buying men for political purposes without knowledge, or, at least, without virtue. Under this general trust power,

as it is presented to my mind, and as admitted, and, indeed, contended for by the committee, Congress can become the trustee of the Bank of England, the trustee of the East India Company, or of any foreign Government whatever; and thus act in the double capacity of an American Legislature, and as agent or trustee for another power, however inimical that power may be to our own. Indeed, I cannot see but Congress, by becoming trustee, can effect any object they wish, no matter what that object is, whether within the granted powers of the constitution or not. Congress may have in view a favorite object of internal improvement, for the benefit of two or more favorite States; they may bestow upon, or, in the language of the bill, distribute to these States millions of the public revenue; and it may be well understood that the States are to create Congress a trustee for the express purpose of expending this money according to their own wish. There can be no end of abuses of this kind, if Congress can act as trustee, and accomplish that which they cannot do by direct acts of legislation. I contend, in the next place, that the deeds of cession made by the States to the United States did not create a trust, nor were they so intended; they contain no words of limitation but such as are applicable to the exercise of power by Congress in every other case.

Take for example, as the committee have, the deed of cession made by Virginia. The only words of limitation mentioned by the committee, (and they are the only ones in the deed,) are, that the land ceded shall be considered a common fund for the use and benefit of all the United States, members of the federal alliance, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatever. Those words, which are now to operate as a talisman, and change of the money received for public lands from the character of revenue into that of property held by the Government in trust for the States, are nothing more, nor can they rightfully receive any other construction, than to place the avails of the public lands on the same footing as the proceeds of taxes, duties, or customs. The money received from all or either of these sources, is the revenue of the country; and Congress is bound in good faith to consider it a common fund for the use and benefit of all the United States, as a joint confederacy, and not as a fund belonging to the States, severally; and Congress have power only to apply the whole, or any part thereof, to such objects as are exclusively within the power of this Government, and to no other use, intent, or purpose, whatever.

But there is an inconsistency in the views of the committee, which they seem to have entirely overlooked. They contend that this Government, as trustee, ought to distribute the proceeds of the public lands to the States in severalty, while the very words of the trust which they claim are, that the land shall be a common fund for the use of the States as a joint confederacy. This very inconsistency proves the fallacy of their whole system.

That the United States acquired a full and absolute title to the lands ceded by the States, I think is clearly evident, because Congress have granted portions of these lands to States, as well as individuals, without any compensation given for the same; and titles made in pursuance of such grants are unquestionably valid in courts of law; and the power of Congress in this particular, as being rightfully exercised, has never been questioned in public opinion.

In my own mind, I am perfectly satisfied that the public lands of the United States may be granted by Congress to the individual States in which they lie, or to individual persons, with or without compensation, as the safety or security of the United States shall require; but when converted into money, and paid into the Treasury of the United States, they assume a different character; they are revenue; and that Congress can apply the revenue of the country to internal improvements, or make a donation of it to States or individuals, has been constantly denied by a great majority of the American people.

The approval by the people of the veto of the President on the Maysville and Lexington road bill is, to my mind, conclusive evidence on this point, and is in accordance with my own opinion, which has been long settled, that Congress does not possess the power to appropriate money for internal improvements in any case; though some, whose judgment I highly respect, contend that Congress have this power, if the improvement is of a national character. I have never been able to make this distinction, because I am unable to discover what gives nationality to a road or canal, or other works of a like kind; no one yet has, I believe, been able to settle the question satisfactorily to himself. Whether it be length, width, or the cost of construction, or its locality, remains yet an unsettled point. Some contend that a road or canal which has its route in two or more States, or connects with two or more large cities, is national, and ought to be constructed by Congress with the money of the United States; while others seem to think that the bare application of these funds to such works gives them their national character; and this very disagreement proves the unsoundness of the doctrine. For my own part, I have never been able to assent to any of these theories, nor can I believe that Congress can rightfully apply the money of the United States, either directly by the operation of an act of Congress, carried into effect by officers of this Government, or indirectly by or through the agency of the States, to any such objects. But it may, and has been said, in support of this doctrine, and that too with great confidence, that Congress have power to make military roads. I am not willing to cede even this as a permanent power to be exercised at any time, and under any circumstance, by Congress. That Congress have power to provide means for marching the armies of the United States from one part of the country to another, is undeniable; and that they have power to order roads, made for such purpose, is equally so. But this power rests on the same foundation, and is to be governed by the same principles, as the right to quarter soldiers in the houses of citizens, or to take private property for public use. A compensation for the use is to be made the owner, in money; and so soon as the use is determined, the property reverts to its original proprietor, in all cases where such property is of a permanent nature. A military road is a mere temporary occupancy of land over which it passes; and when that is determined, the power of Congress over it ceases. In order to establish the doctrine of internal improvements by this Government, and to extend the power of Congress to making roads and canals, I have heard it urged with much earnestness, and relied on as conclusive, that the constitution declares that Congress shall have power to establish post roads. The power given to Congress in the constitution is in these words: "to establish post offices and post roads." And it has been contended that to establish is to build, to erect, to make, &c. To this I cannot agree. That Congress has power to direct upon what road the mail shall be carried, no one doubts; and the words "to establish post roads," as used in the constitution, mean, as I understand them, to fix unalterably, and were intended, no doubt, to prevent the operation of State power from interfering with this branch of national economy, whose ramifications would pervade every section of the country. It was to keep the travel of the mail secure upon one line while passing through a State, so as to connect with the same line in another State, and not to build or construct the road, that was in-

tended by this provision of the constitution. The power to establish post offices surely does not authorize Congress to build houses for each post office in the United States. Such a construction no one, I presume, would contend for; yet I can see no difference in the two cases. Upon the whole, then, I conclude that roads, canals, and works of internal improvement of a like kind, are not such works as Congress can rightfully construct with the money of the nation. But, sir, I can readily conceive works which Congress can order; and it is from the nature and use to which the object is to be applied, and not from its extension or quantity, that gives Congress this right. A ship of war is a national work; therefore, Congress can order ships of war to be built. The casting of a cannon ball, and the making a musket, are also national works; and even the printing the journals of this body. Congress can, therefore, have all this done; and so of every other object which is absolutely necessary to carry on the operations of this Government. The quantity, as well as the time and manner of performing the work, is altogether within the discretionary power of Congress; and to all these objects, and none other, can this power or the money of this Government be rightfully extended.

I have thus far considered the report of the committee, and have shown, I trust, that the public lands of the United States are not revenue, and that they were not ceded to the United States, as trustee, for the benefit of the States severally, but for the use and benefit of the United States, as Government property; nor were the deeds of cession accepted as trustee, but as an independent sovereignty, the land to be disposed of in such manner as Congress should think expedient; but when sold and converted into money, that money becomes part of the revenue of the country, and is, to all intents and purposes, in the same condition, to be disposed of in the same manner, and none other, as moneys received into the Treasury from taxes, customs, or any other source. I am glad to be informed that I am not alone in this opinion. I find in the Debates on this question, in 1832, which has this moment been put into my hands by a friend, the same opinion expressed by an honorable Senator of exalted intellect, commanding talents, and great power in debate, and whose speeches I have read not only with admiration, but delight; and when I say this, I need hardly inform the Senate that that gentleman was from South Carolina. "Mr. Hayne moved to strike out the words which provide for the distribution of the proceeds (public lands) amongst the States. He was opposed to the introduction of the principle of distributing the revenue among the States. He insisted that the proceeds of the public lands did constitute a part of the revenue. The clause which he moved to strike out cut off a part of the public revenue, taking it from the Treasury to divide it among the States;" and further, in reply to the Senator from Kentucky, (Mr. Clay,) Mr. Hayne contended, "that if the construction of that Senator was correct, there was no limitation to the powers of the general Government, and they might be exercised under a wild discretion, the extent of which could not be anticipated or controlled. He asserted there ought not to be any surplus money in the Treasury, but that care should be taken to regulate the taxes, so as to have no unnecessary amount in the Treasury." It seems to me that this argument ought to have forever settled this question; but, unfortunately, it has not. It remains now that we inquire whether the money called the surplus in the Treasury, should it be admitted to be altogether the proceeds of the public lands, can constitutionally be drawn from the Treasury, and distributed to the several States, as contemplated by the bill before us. The report of the committee itself seems to doubt the unlimited power of Congress over every part of the public revenue, to be disposed of as mentioned in the bill; and well may the committee doubt, for no money can be drawn from the Treasury but in consequence of appropriations made by law, and all appropriations must be as the friends of the bill, on a former occasion rightfully contended, made for some specific and certain purpose, and such purpose clearly within the granted power of Congress. To this doctrine I do not object; it is the only safe doctrine for this Government to pursue; and it would be far better, and more satisfactory to the country, should Congress adhere to it more strictly in future, than has been done in times that are past; but like all other sound texts in the hands of commentators, it can be construed to cover the worst of purposes. It is attempted, however, to get over this objection—the want of specific object in drawing this money from the Treasury—by endeavoring to prove that there is a difference in the exercise of the power of Congress over moneys in the Treasury, arising from the sale of public lands, and that received from other sources; but in this attempt I think the committee have entirely failed. I object, then, to the passage of this bill, because, in the first place, it makes no appropriation at all, for there is no purpose mentioned in the bill to which the money is to be applied. But should I waive this, and consider the distribution to the States a sufficient designation, I would still contend that this is no appropriation for any definite object, or for any purpose over which Congress can exercise any constitutional authority whatever. I wish to be clearly and distinctly understood on this point. The distribution of any part of the revenue to the States, whether the same be called surplus, or by any other name, will be an unauthorized act of Congress, because Congress have no power to compel the States to apply the money to any specific object; for I presume no one will contend that Congress can coerce State legislation. If the money, then, is appropriated to the States, it surely must be without constitutional authority, because it is not given for the defence, protection, or welfare of the United States; nor is any other object whatever designated, to which it is to be applied, over which Congress can have the least control. I remind gentlemen of the three million appropriation, passed by the House at the last session, and sent to the Senate for concurrence, which was strongly objected to as unconstitutional; not because the use contemplated by the bill, to which the money was to be applied, was not within the power of Congress, but because the appropriation was not sufficiently specific. Yet that appropriation was to be applied by the President to fortifications, increase of the navy, and general expense of the country, should circumstances occur making its expenditure necessary before the next meeting of Congress. But so obnoxious to the constitution was it deemed, that if an enemy was battering the very walls of the Capitol, gentlemen would not vote it to save them. I think we have the right to expect their votes now, when the constitution, according to their doctrine and understanding of it, is threatened with a thousand times more deadly assault than that which they feared in the three million appropriation, and that they will step forward at once to its rescue. Here is an appropriation, or at least an application, to take from the Treasury of the United States nearly thirty millions of dollars. It is asked for without its being applied by Congress to any specific purpose under heaven; but placed under the power of men over whom Congress has no earthly control, and by whom it may be used for that purpose which we have so often heard mentioned—the dissolution of the Union itself, and the destruction of the very Government which bestows it. But this is not all. Congress, by this act, becomes the evil genius of the country, instead of its benefactor; because, the

money being collected of all the citizens, without object or necessity, it seems to be admitted that Congress cannot devise the means by which this ill-gotten treasure shall be returned to those from whom it was actually taken; it is, therefore, concluded to return it to a part only. This money has been collected from the poor and laboring classes, in (comparatively speaking) small quantities; it is to be returned in masses to the States, and I defy the ingenuity of man--at least man as he now exists--to prevent it, under this process, from passing into the hands of the more wealthy and speculating part. And we shall surely find that the appropriation by the States of money collected by this Government, and distributed to them, will be to make the rich more wealthy and to keep the laboring classes in perpetual indigence. It is a palpable truth that the real wealth of a country must arise from the actual labor of the country. Trade is always fictitious, and in this country this fact is true to a proverb; and it is also true, that the great body of our laborers are agriculturists, and our greatest staples are the products of the earth. All that this productive class of men ask of Government is, to provide for their security; for the earnings of their daily toil; that, when the evening sun shall go down, they may rest in quiet, and none, by force or fraud, private or public, be permitted to rob them of their labor, or disturb their repose; they ask not, they want not, gifts or gratuities from the Government, because they well know that the means of bestowment must be the oppression of their own or a foreign country.

If we are to consider the distribution contemplated by the bill as a mere gratuity on the part of this Government, and that Congress has no power to define the purposes to which the States shall apply it—and this principle seems to be admitted by the bill itself—I should be glad to know what could prevent Congress from distributing to twenty-four individuals, or any other number, this money, instead of a distribution among the States. I can see no difference in the principle governing the two cases; and the exercise of power, in my view of the subject, is as clearly unconstitutional in the one case as the other, though a distribution to individuals would so shock the moral sense of every man that, with one united voice, it would be declared that Congress had most grossly violated the constitution, as well as been guilty of an act of moral turpitude.

To bestow money as an act of government, and leave its application to the recipients, is one of the first, and commonly the surest, means that despots resort to, not only to gain, but secure power, and strengthen their hold in every country where despotism has existed; and it is despotism in any Government—I care not by what name it is called—to exercise the power of collecting money of the people more than sufficient to defray the necessary expenses of the country, and bestowing or dividing the surplus, according to its own pleasure, either amongst States, corporations, or individuals.

If Congress has the power to divide a part of the revenue collected by this Government amongst the States, the right certainly exists to require the States to make such application of the money as Congress shall think proper. Such, indeed, was the principle of the original bill in this case, and it must be, that, under this claim of power, Congress can direct and control State legislation; can require the different State Legislatures to apply the money in payment of Governor, Judges, and other officers of the State Government; and even the payment of their own wages. Congress can still go one step further; they can direct the payment in such sums as they may think proper, and in addition to the salaries allowed by the States. If the doctrine of dividing the surplus revenue be once admitted as correct, I cannot see why Congress has not the power to apply it directly to the payment of State officers as additional salaries, allowing to each such sum as shall be deemed just, to be paid out of the Treasury of the United States on the warrant of such officer.

There is another view of this subject still more appalling. It is true that Congress, by the constitution of the United States, have no power to make any law respecting an establishment of religion, or prohibiting the free exercise thereof; but if Congress have power to create a surplus revenue, and power to make a distribution of the same, they can in effect render null and void this provision of the constitution; they can distribute this money to any church or sect they please, and thus, as far as money and the favor of the Government will answer, give such church or sect the ascendency, whether the same be Protestant or Catholic. It is said money answers all things. Congress can then, by its use, make an establishment of religion. There can be no doubt on this subject, if Congress possesses the power to make the distribution as contemplated by the bill. I feel confident that I have not extended the argument further than the premises will warrant; and I now seriously put the question to every member of this body, if he is prepared to say that, by virtue of the power vested in him by the constitution of the United States, he has the right to vote an appropriation of money to be paid out of the Treasury of the United States for any of the purposes which I have mentioned. I do not believe there is one Senator who will openly and positively avow such right. We test principles by their application to individual cases; take, then, a single case. A bill is presented making an appropriation of money for the payment of the salary of the Governor of Ohio, with the condition that it shall be in full, and that he shall not receive any other pay or emolument from the State, or without any condition whatever. Such a bill would not, I am sure, receive a single vote in this body; and yet, if we pass this bill, we are doing that indirectly, which we would not dare to do directly, by creating or appointing an agent to receive this money, who has the power to apply it to the very purpose above mentioned. The bill, as amended by the committee, is more objectionable on this account than the original, for that required an application of the money to certain specified objects; and, if Congress had power to apply money to these objects, there may be a color of right in the idea that Congress may designate the agent to make its application. The bill before us, however, opens the very flood-gates of corruption, for it establishes the doctrine that Congress may levy upon the people of the United States any sum or sums of money they may think proper, and bestow, or, to use the language of the bill, distribute any part thereof when and to whom it pleases. I deny the whole power of this Government to collect and distribute a surplus revenue. The next question is, can the States rightfully, and in conformity to their own constitutions, permit Congress to become their almoner, and accept this proffered bounty? This is an important consideration for the States themselves. Have they so divested themselves of power as to be made the mere and inactive recipients of the bounty of this Government, and suffer their own treasury to be replenished by whosoever is disposed to do so? Must they permit individuals, banks, or even foreign Governments, to pour into their treasuries such sums of money as shall be thought proper, as a mere and naked gratuity to the State? I am clearly of opinion that no State Government in this Union ought to open the doors of their treasury for any such purpose; for the accepting or rejecting of gifts is a private and individual power, not transferable to the representative of a State, because the act is matter of conscience, not of law.

But if the States are to have any agency in this distri-

bution, if it is necessary for them to do any thing in conformity to the act of Congress to enable them to take and possess this surplus revenue, I hold that such act would be in contravention of the tenth section of the first article of the constitution of the United States, because it would be a treaty of confederation with another Government; and the States surely intended to divest themselves of this power by accepting the constitution of the United States, for its exercise had led, and would continue to lead, to inextricable difficulties and dangers to the equal rights of the States, as well as to their peace and union. To levy and collect taxes, duties, and imposts, is an attribute of the sovereign power of a country. Congress could not have exercised it but by express grant. The States, having granted it to Congress so far as the grant extends and is exclusive, cannot exercise the power themselves; but the divestment of power by the States would be an idle ceremony, if the same power can be exercised by Congress for the benefit of the States; and thus would there be two distinct and separate powers, each possessing the right of raising a revenue off the people for the same object and purposes—a condition to which, if rightly understood, I am sure the people would never submit; and thus the States, by the creation of this Government for special ends, would only keep the word of promise to the ear, but break it to the sense. This is the first attempt, since the formation of the constitution—the existence of this Government—to bestow money collected as revenue gratuitously upon the States. It is a new invention to rid ourselves of money which, through mistaken policy, has been improperly collected in the Treasury. And as error constantly begets error, multiplying in size as well as number as it progresses, the error of a protective tariff begot the greater error called the compromise bill, by which it is claimed that in the passage of that bill Congress made an agreement or bargain, by way of compromise amongst the members with each other, by which more money has been brought into the Treasury than is necessary for the legitimate expenses of the Government; and it is now insisted that the law passed in pursuance of this agreement ought not now to be interfered with; and to remedy the evil occasioned by this law—a surplus revenue in the Treasury—instead of repealing or amending the law, it is proposed to distribute it amongst the States, which would be a still more palpable and dangerous error.

The very silence which has so long existed under this Government as to the power of Congress, as contemplated by the bill, is strong and almost conclusive proof, to my mind, that the power does not exist. I have looked in vain into the report of the committee for the provision of the constitution on which they intend to rest this bill. The report to me, however, on this point, is a sealed book. The honorable chairman can, no doubt, turn us at once to that grant of power on which the committee relied for the passage of an act of Congress for the raising more money than sufficient for all the purposes of this Government, and distributing the surplus to the several States. I hope, however, we shall not be told that it is to be found in that clause of the constitution which gives to Congress the power to provide for the common defence and general welfare of the United States. This provision, which, upon every fair principle of construction, can only be viewed as a declaration of the manner in which the following granted specific powers shall be exercised, has been so often pressed into service for other purposes, that it can now be made to almost prove whatever may be desired. It is a kind of Swiss corps, to serve wherever the highest reward can be obtained. I cannot, however, admit its service in the distribution of a surplus revenue; and I can see no other provision of the constitution the advocates of this bill can rely on for support.

If, however, any one should believe that Congress possesses the power, in the imposition of taxes, duties, customs, and excise, or in any other manner, to collect more funds than will be necessary to pay the debts and provide for the common defence and general welfare of the United States, for the purpose of distributing the surplus amongst the States in their separate and individual character, I would still insist that the exercise of such power would be highly impolitic, unjust, and dangerous to the safety and happiness of the country. It is with States as individuals; the possession of money, without the application of their own means for its attainment, almost universally produces a disposition to idleness and premature decay. No possible plan could, in my opinion, be better devised for the prostration of the State Governments, and the establishment of centralism and eventual consolidation, than this: what at first is granted as a gratuity, arising out of temporary causes, will soon be claimed as matter of right and justice, and insisted on until it shall obtain permanency of character, and be deemed essential to the existence of the State Governments; and thus the very existence of the States will depend on the bounty of Congress. I am well aware that direct payment of the salaries of State officers, by an act of Congress, would, at first, as has been observed, shock the moral sense of the community, and defeat the very object to be gained. We are about to give the money in a more coy and coquettish manner; we begin by saying it is the money of the people, and, having no use for it here, we will return it to those who paid it. We in the next breath acknowledge that this cannot in fact be done, and we conclude to give it in masses to the States, to be disposed of as they think expedient. This squeamishness will soon wear off, and we shall shortly find more open attempts made to debauch the States, and the States themselves will accept the price of their prostitution, as a business matter necessary to their existence. Having the large sums of money which this bill proposes to place at their disposal, the State Legislatures may quickly see a great propriety in an increase of salaries and wages of the State officers; and although there may be a little higgling about it at first, yet the propriety of an increased compensation to themselves will soon appear evident—this will be almost a matter of course; while to blind the eyes of the people, a reduction of taxes will take place. "Lead us not into temptation." Although we may forget this excellent prayer here, I fervently hope that it may be remembered by the States. "The love of money is the root of all evil." This principle and patriotism cannot dwell together; they will never be found in the same breast; they are antipodes to each other, and cannot be brought together; and money, like every other witching concern of life, the possession of it creates the desire for more. Legislative bodies are men, and subject to all the frailties of men in other situations; and if an ass laden with gold could open the gates of a city which the conqueror of Greece could not force, what may we not expect that money can and will do in these degenerate times, when gain is evidently the ruling passion of the land?

Suppose, sir, that the bank, called the Bank of the United States, should offer to distribute to the several States some millions of its ill-gotten wealth, on the ground that the people of the States were entitled to it, because the bank had collected a surplus in the mode that institution has adopted in raising a revenue: should it go one step further—offer to become a subscriber to every corporation in the States, and, under the doctrine of vested rights, thus acquire not only a foothold, but a freehold in each State; no State ought for a moment to hesitate in rejecting this harlotory embrace, this unnatural connexion, the issue of which would be a monster, abhorred and hated by all just and good men; and although

it might for a time acquire a rickety growth, yet its deformity could never be hidden. And the moment that patriotism, virtue, and love of country should gain the ascendency, its power and influence would be in a moment driven from the land. One State, it is feared, has already fallen; and that State, too, which has heretofore been considered the pride, strength, and glory of our Union. Its democratic citizens, it is yet hoped, will redeem themselves from this thraldom, and will shiver into a thousand atoms the fetters with which it is attempted to bind them; that they will grind the golden calf to powder, strew it upon water, and compel its votaries to drink thereof.

If the potency of money in the hands of a bank is of such dangerous tendency, when improperly used, what may we expect and look for from the same cause, when the United States is the agent to carry on the operations?

As you lessen the necessity for the States relying on their own means and exertions for their support, you destroy their ability to do so: their increasing weakness becomes the strength of this Government, and thus enables it to supply additional means to make the States still more weak. The very money you bestow, although it may make the State rich in a pecuniary point of view, yet those very riches will be the bane of equality and freedom. Suppose the money you bestow should be sufficient to enable the State to become the owner of every canal and leading road in its jurisdiction, and to hold the same as Government property; the first result would be a host of officers to "eat out the substance of the people, and destroy their living;" the next to bring into existence a class of men who would of course become the tenants, laborers, and dependants of the Government, instead of being free citizens of the State. When Government is a large property holder, the inevitable consequence must and will be distinctions in society. The wealth of the country will be found in the lesser number, and power will be more secure in the hands of those who are intrusted with the management of public affairs, until the very condition of landlord and tenant will be found to exist between the officers of Government and laborers for the State. It is, in my opinion, a perfect absurdity to suppose that the principles of democracy and equal rights can long exist in a State that is herself a large property holder. It has been said that money is power, and that "power is always stealing from the many to the few." And if what money we have collected into the Treasury of the United States be the leaven by which the officers of this Government are to be corrupted, I very much fear that its power will be far more deleterious, and operate far more extensively, when divided and sent into the State treasuries. If the State Governments can be preserved pure and uncontaminated, this Government, which cannot exist but by action of the States in their sovereign capacity, cannot well become corrupt, or long remain so. It will be brought back by the influence of the States to correct principles. The power of the States in prescribing the manner of electing the President, and in their direct power in electing Senators in this body, will be sufficient to do this, although instructions from the constituent body to the representative here may be disregarded. But if the State Governments once become corrupt, there is no possible means by which this Government can be kept pure: the fountain being poisoned, the stream must become of the most noxious character. I hope, then, that the wealth of this Government, whether acquired by force from other countries, or by fraud upon our own—a fraud in taxing them more than sufficient to answer all the demands of the United States—will never be sent into the States: at least, I hope the State in which I reside will not receive it; for the very scheme is scattering broadcast through the land the seeds of that corrupting influence which must end in the subserviency of the States, and the consolidation of all power in the hands of those who have the means and the will to collect money without limitation, and distribute it to whom and when they please; for when this bill passes, the last nail will have been driven into the coffin of State sovereignty.

It seems to me there cannot exist a doubt but that the distribution of any part of the public revenue amongst the States, will be the means of changing the relations now existing between the General Government and them. That the change of that relation will be the destruction of one Government or the other, I have no doubt. I am myself of opinion that the State Governments will be the victims; but it is possible, in the nature of things, that the reverse may be the case. That money which is collected by this Government by indirect taxation, when sent into the States, may influence the people to view this Government as a fit instrument for the collection of money that may be used for the promotion of individual interest or the advancement of State power, and be used to operate on elections, so as constantly to send to Congress men who will be under an obligation not to repeal the system, but to extend and increase it. In such case, the necessary appropriations for the army, navy, or even the civil list, may be so neglected or reduced, as to impede and weaken all the operations of this Government. Large and powerful States that will, under this system of distribution, receive the greatest sums, may find it to their interest to continue the same, and push it to the utmost extent; and by this means may, in time, be able to overawe the power of the confederacy, and set it at defiance, and thus become the sole arbiters of the fate of this country. Many gentlemen, for whose judgment I have the highest respect, entertain this opinion and these views. I confess I am alarmed at the pertinacity with which this bill is pressed forward. That more is expected by its friends than at first view meets the eye, I have no doubt; and that it may change the policy and power of the country is the real motive that impels it. In whatever light I have been able to look at this measure, to my mind it appears fraught with fearful events.

I have heard it often said there is a large amount of money in the Treasury over and above what is necessary to supply all the wants of the United States, and that it is impolitic to permit it to remain there, because it may be used to increase the influence of the executive power. I cannot admit either the fact or reasoning to the extent urged; but my first answer is, that it ought not to have been brought into the Treasury. The tariff, upon the payment of the national debt, should have been reduced to the wants of the Government, and should be now so reduced. I hold that I am not bound by an agreement entered into by members of a prior Congress, in order to obtain the passage of any law. It is not only the right but the duty of the present, as well as any subsequent Congress, to repeal or amend such law, if in their opinion the public good requires it.

There is another view which attends the accumulation of a surplus revenue in the Treasury, which, to my mind, is of considerable importance, and which surplus, I believe, will not be reduced but increased by the passage of the present bill. The sale of the public lands for the last year has been large beyond all calculation: millions of money have come into the public Treasury from that source only. These purchases have, in a great degree, been made for speculation alone. The facility of obtaining money has been the cause of engaging many in this business, and that facility has, no doubt, been increased by the deposite banks discounting on the public money in their vaults; and while this is the case, speculation in public lands will continue, and large purchases be made

at the present Government price; and that price the bill contemplates in all future purchases. The money thus laid out will return immediately into the deposite banks, on which new discounts will be made and new purchases followed; and thus this bill will enable speculation to make the very meat it feeds on, until the whole public domain will be found in the hands of the rich and wealthy, to the great detriment of the States and the oppression of the laboring classes and men of small capital.

The system, then, which continues the present price of the public lands, although you may distribute the public revenue, will constantly furnish a new supply; and the temporary evil now complained of will grow into a permanent and incurable one. The public lands are the property, not the revenue, of the United States; but when converted into money, that money is revenue. While they remain as property, Congress has full power to cede, grant, or dispose of them in any manner, or for any cause or purpose that may be thought proper; but the moment you sell and convert them into money, that money is a part of the Treasury of the United States; and Congress cannot, in the proper exercise of its constitutional powers, give it away--cannot barter or sell it—cannot, in fact, apply it to any use or object but those which are clearly within the power of Congress, by the grants of the constitution. I am fully aware that here is the real difficulty, the disputed question—what are the objects which are within the power of Congress, and upon which they can constitutionally expend the money of the nation? We, no doubt, each of us, have a rule by which to test this question of power. I have long since formed one for myself, and every day's experience confirms me in its correctness. It is, that Congress have no power over any subject whatever, where the States possess power over the same subject; or, in other words, where the States have power over a subject, Congress possess none, except it be given by the express words of the constitution, and even then it cannot be exercised to the injury or detriment of the State power; and, in all such instances, the power of Congress is subordinate to that of the States. The only instance in which power is thus disposed, that I can now call to mind, is that of levying and collecting direct taxes—that mode of taxation which is considered as different from that of duties, imposts, customs, and excise; and where full power is given to Congress, the States have none over the same subject. The States cannot levy war, regulate commerce, coin money, or regulate its value, establish post offices and post roads, or provide or maintain a navy; and for the very plain reason that Congress have full power over these objects. On the contrary, Congress have no power, nor can they rightfully, within the States, make roads or canals, or internal improvements of any character, establish any system of education, raise money for any State purpose, or in any manner, or by any means, provide for the current expenses of the State; and for a like plain reason, the States have power to do all these acts. Our Government is so admirably formed that our citizens do not owe a divided duty; what the States have reserved, and can require of them, this Government has not the right to do; and what this Government has the right to require, the States have entirely divested themselves of the power of doing; and we should be the most happy and prosperous people on earth if the different Governments, under which we live, would each confine itself to its appropriate sphere as designated and marked out by its framers. There would be no clashing of powers, nor doubt in the discharge of duties we owe. Our first duty is to the State, and, when that ceases, our duty to this Government begins. The distribution of money, collected by the order of this Government amongst the States, is not only an arbitrary and unwarrantable stretch of power, but is one of those wild speculative schemes into which the visionary and disappointed are sometimes apt to fall. This propensity to extravagant speculation, into which our people are at this time rushing, as well in political as moneyed matters, ought, as far as possible, to be checked by the influence and operation of this Government. It is a moral cancer, to which if the cautery or the knife be not speedily applied, will consume every principle of patriotism and political honesty in the country. The disease is deeply seated, and its progress is, indeed, obvious to us all. I have no hope or expectation that mild and gentle means will effect a cure. Strong and energetic measures must be adopted; and we ought to begin here at home. Many of the streams that are pouring money into the public Treasury, and swelling the amount beyond the necessary wants of the Government, ought to be instantly dried up; this all will admit, but the mode of effecting that desirable end creates the difficulty.

It is our duty to apply such remedy as we think will come at the evil; I will suggest one. It may be deemed a weak and incompetent one, but it is one which has presented itself to my mind, and which my judgment approves. The State which I have the honor in part to represent, ought, in this important matter, to know my whole opinion, that, if in error, it may be corrected. I would begin with the public land, by a reduction of the price to at least one dollar per acre, and confine the sale to actual settlers in limited quantities, and would not make a complete title until after three years continuous occupancy, and a conditional forfeiture of the purchase money in default of so doing. The public lands ought to be looked to as a source of wealth belonging to future generations, not on account of the money they will bring, but for the population they will sustain. A steady, industrious, contented, and fixed population, are the riches of a country. A provision of the above kind would, in my opinion, produce that effect; a residence of three years would produce the blessings and attachments of home, while the sale of the freehold, even at an advanced price, would seldom be an inducement to part with it, because a larger quantity of land in most cases could not be purchased elsewhere; and thus contentment would ensue, while the products of the farm would enable the younger branches of the family to provide themselves a home upon the same terms. The next beneficial result would be, to check at once the fearful speculation in public lands that is now in progress, and that ruinous system of borrowing that is resorted to for that purpose; and those now engaged in that business would then turn their attention and means to some other pursuit that would advance the growth, prosperity, and permanent wealth of the country. And last, though not least, it would dry up one of those sluices through which money that is not needed is constantly pouring into the Treasury; and it would preserve for our children and our children's children, even to remote generations, an opportunity of acquiring a freehold on the same terms as was afforded to their fathers. But if we sell this valuable estate now as fast as possible, for the highest price that can be obtained, and make that and not the settlement of the country our object, and then distribute the proceeds amongst the several States, for the purpose of having it expended, spent, or squandered, we act the part of an improvident spendthrift, who, having acquired by descent a large landed estate, converts it into money as fast as possible, for the purpose of gratifying his vanity, or acquiring power and influence by corruption and fraud.

In the next place, I would repeal the entire duties on all articles that are used in any manner or form in the diet of the country; and to show its effects upon that

part of the country in which I reside, I would instance the duty on sugar alone, which we now pay either into the Treasury or as a bounty to the manufacturer: take the duty off that article, and the price would be reduced at least two cents on the pound. The bill contemplates giving to the State of Ohio about one and a half million of dollars as her proportion of the spoils for three years; and the profession of the friends of the bill are, that they wish to give this money back to those who paid it; and as they cannot do that, they will approximate as nigh as possible by giving it to the States. Every family in the United States I presume uses sugar, and for the argument I will allow one hundred pounds per annum to each family of five persons. In Ohio we have probably 300,000 families, who pay a tax on sugar of $600,000 yearly. In three years we pay $1,800,000 tax on sugar alone; repeal this tax, and you in effect give to each family two dollars per annum—a sum larger than will be distributed to them by this bill, could its friends make its operation as they profess to wish. But if the surplus revenue be so extravagantly large as has been represented, I would go one step further—reduce the duties on articles of wearing apparel of the coarser texture, which are used mostly by the laboring classes, so that the revenue of the Government will not exceed its just wants, and you will relieve the State of Ohio in one year from the payment of a much larger amount than is proposed to bestow upon her by the provisions of this bill. But should all this be done, there seems to be still a remaining difficulty: the money we have on hand, the surplus in the Treasury—what shall be done with regard to that? how is it to be disposed of? A few more Indian campaigns, Indian treaties, and city debts and private claims, will give an effectual answer, and dispose of that difficulty: indeed, our present situation itself seems a sufficient reply. If after our naval defences, fortifications, and the necessary increase of the army, are completed, as sound policy and justice require, and the wants of the country demand, are all supplied, I am disposed to believe that little danger need be apprehended from the remaining balance: it will neither make nor unmake Presidents. And if, in addition to all these, a speedy completion of the public works now begun, and which Congress ought, and I presume will finish, should take place, and sufficient appropriations be made for that purpose, the surplus revenue on hand will no longer be cause of alarm or contention. I have, in what I have said, fully and freely expressed my opinion, though in as concise and condensed a manner as I was able. I have not sought for precedents, or looked into the opinion of others, out of which to manufacture one for myself. In political, as well as in matters of religious faith, I think the original text a far more safe and sure guide than any commentary, however wise and good the commentator might have been. I have chosen to rely on the constitution as my only sure guide, and that moral principle which ought to govern the actions of men in all situations, and under every circumstance. How far I am correct and ought to be sustained, those who sent me here are the best able to decide.

Mr. President, when we look back a few past years and find this bill first introduced into Congress, although it passed both Houses, yet we have full, and to our minds conclusive evidence, that it was disapproved by the great body of the American people. We ought not to regret its introduction now; it is but a new trial of the intelligence and virtue of our constituents, who have always been found sufficient for the evil of the day. It is but an attempt to revive that principle which was found active at the very commencement of our Revolution—the principle of Government power over individual liberty. This principle was first brought into operation by the charter of the old Bank of the United States, and continued progressing until it produced the alien and sedition laws; this brought about the civil revolution of 1800, in which the patriotism, virtue, and intelligence of the people were triumphant, and a most signal victory was obtained. The vanquished enemy then retired from the contest, and remained quiet for a number of years, waiting for an opportunity favorable to his views. The war of 1812 presented one, as he thought. Having changed his colors, he again entered the field under the banner of the American system, and another United States Bank began this second Punic war. This institution, forced upon the people against their wishes and better judgment, met with resistance at its very commencement. During its first years it shared but little of the public favor. Its friends, however, were in power; and during the next administration after it was created, it acquired much strength and force. Under its auspices the American system was strengthened and invigorated, and the whole doctrine of internal improvement was spread in wild array before the American people; while a protective tariff, the necessary consequence, was gnawing at their substance. The party conducting these measures assumed a new name; they were national republicans. But all would not do; their strides for power were too plain to be overlooked. The country became awakened to its situation, and Andrew Jackson was the man the people selected to save them from these dangerous innovations, at least as far as the Executive power could effect that object. The election of 1824 took place; General Jackson received a large plurality of the electoral votes, as well as the primary votes of the people; but not having a majority of the votes, his name, with two other gentlemen, according to the provisions of the constitution, was returned to the House of Representatives for the election of a President. The result is well known. The voice of the people was disregarded, and those opposed to individual liberty and in favor of Government power prevailed. Flushed with this temporary victory, they felt sure of ultimate success, and the most extravagant pretensions to power were openly avowed; but the public indignation, if it was not loud, was deep. The ship of state was not to be given up; and when the election of 1828 came round, like a clap of thunder it awoke the band of schemers from their golden dreams. General Jackson was brought into power by a most triumphant majority; the rank and file of the bank and American system party were scattered, and many of them left the colors of their chieftains; but the principal leaders still retained their places, and, though defeated, were not disheartened; they still held a majority in both branches of Congress. A bank bill and internal improvement bills were successively passed and vetoed by the President. The election of 1832 took place, and General Jackson was again elected by an increased majority. Thus all the splendid prospects of power and grandeur which gentlemen thought they were just realizing, were dissipated by the force of public opinion, and the popularity of General Jackson's administration seemed to wither all their hopes. One might have reasonably expected that this mountain labor would have ceased when a majority of the House of Representatives was found on the side of the administration. But no! General Jackson had caused the public money to be removed from the Bank of the United States; this gave new hopes to the panders of power. A panic was created in the monetary concerns of the country, and General Jackson was denounced by men high in power, as a violator of the constitution and laws of his country. It was now believed by the knowing ones that the scattered fragments of all their broken forces could be again rallied to the fight, at least under a new name, and that of Whig was adopted: yes, the whigs were called on to come to the rescue of the bank, against the power of

the country. A new banner was also unfurled—inscribed on one side, *executive usurpation*; on the other, *lost Treasury, ruined country;* but these efforts proved also unavailing. The country is prosperous beyond former example. The Treasury is full to overflowing. And now, out of the midst of all these convulsive throes, creeps this public measure, an attempt to buy up the people with their own money—a distribution of the revenue of this Government amongst the States on the eve of a presidential election. We have a perfect confidence that this scheme, like all its progenitors, will die for the want of public nourishment.

Reminiscence is valuable in all the affairs of life, and in none more so than political matters; a knowledge of the family from which this land bill springs is sufficient to fix its character. The short time the public have been acquainted with it has caused the loss of many friends; and although three Senators, who formerly voted against it, have now voted for it, yet its majority here is less than formerly. Of the fourteen Senators representing the new States, five have voted for it, and nine against it. This proves it is considered ruinous to the interest of those States. I include one Senator from Indiana, who formerly voted against this measure, but who was not present when this bill was ordered to be engrossed. Eight States have now voted for the bill, containing a population of 3,619,000. (I omit fractions.) Seven States voted against the bill, population 3,567,000; nine States are divided, population 4,758,000; three of the Senators from these last States, if not on this, yet on other subjects, disregarded the instructions of their State Legislatures; and the people of three of these last States have constantly maintained the doctrine of a strict construction of the constitution. No one, after this, can doubt the fate of this measure before the American people.

Should this bill by possibility pass the House of Representatives, that the President will put his veto on it, no one, I presume, doubts. Personal honor, political consistency, as well as duty, seem to require this at his hands. That this act will add to his fame and his usefulness, if addition can be made, I have every confidence; and I predict that his enemies now in this conflict will meet with what his enemies, both in war and peace, have heretofore done—more than a Waterloo defeat.

When Mr. MORRIS had concluded,

Mr. WALKER rose and addressed the Chair as follows:

Mr. President: I am constrained, by an imperious sense of public duty, to participate in the debate upon the question now under consideration. The measure proposed for our adoption is deeply interesting to the whole Union. To the new States, especially, it is a subject of the highest importance. Indeed, so deeply am I impressed with the momentous consequences to my constituents which must follow the adoption of this measure, that I am appalled by the contemplation of these results, and oppressed by a sense of the responsibility which is devolved upon me. My opposition to this bill may be wholly unavailing; but my resolution is to resist its passage to the uttermost, consoled by the reflection that, in any contingency, I have at least endeavored to discharge my duty. The proposition is to divide among all the States of the Union, according to their representative population at the last census, the nett proceeds of the sales of the public lands for the years 1833, 1834, 1835, 1836, and 1837. It is a proposition to subtract at least fifty millions of dollars from the revenues, past and prospective, of this Government, for distribution among the States. It reaches back to the 1st of January, 1833, and stretches forward to the 1st of January, 1838. The nett proceeds of the sales of the public lands for 1833 have heretofore been expended by the Government; yet these proceeds are recaptured by this bill for distribution among the States. We do not, in fact, distribute those proceeds, for they have long since been expended; but we take an equivalent sum from the general revenues of the Government, and call it the nett proceeds of the public lands for 1833. If, then, it be unconstitutional to distribute among the States the general revenues of this Government, this bill involves this principle. If we may take for distribution a sum equivalent to the nett proceeds of the sales of the public lands for 1833, we may take similar equivalent sums for the nett proceeds of the sales for 1800, and from that period to the present moment, and call it a distribution of the nett proceeds of the sales of the public lands. Might we at this moment pass a bill for the distribution among the States of the nett proceeds of the sales of the public lands from the organization of the Government to the present period? and, if not, how can we adopt the present measure? It is vain to disguise the fact, that we are in reality distributing the revenues of the Government, generally, by the retrospective operation of this measure. The unexpended balance in the public Treasury upon the 4th of July, 1836, the distribution of which is then recommended, is composed, in part, of the revenues arising from the tariff. A very large portion of this balance is appropriated, but not expended, under existing laws. By this bill we either repeal the laws, or make a double appropriation of the same money. This bill, we have seen, also reaches forward to 1st of January, 1838. It makes prospective calculations for two years in advance of the wants as well as the revenues of this Government, and subtracts during all this period, for distribution among the States, the nett proceeds of the sales of the public lands. This prospective distribution is based upon calculations of an overflowing Treasury in 1837—predictions made by the same party who foretold the insolvency of the Treasury and ruin of the country as the result of the measures of this administration. Others may legislate for years in advance upon the faith of their predictions, but their conjectural estimates of the future wants and revenues of this Government furnish no sufficient data upon which I can rest my vote. They may be as greatly mistaken now, in their prophetic visions of 1837, as they were in 1834; and, if so, this measure would prove disastrous to the country.

We are now asked to abandon the settled usages of the Government, and embark in new projects and new experiments. It is proposed to divide among the States a vast portion of the revenues of this Government. A division among the States of the revenues of the Government of the Union is a fearful omen of the division of the Union itself. It is a movement towards that dread catastrophe. It will be the cause, as it is the precursor, of other assaults upon the Government of the Union. Division—division is now the watchword of assault upon appropriations for national defence. The constitution is assailed here, in the very citadel of its power, by a corrupting demand for the spoils of this Government for distribution. The prayer of inspiration, "lead us not into temptation," is wholly disregarded; and the States are sought to be dazzled and corrupted by golden visions of millions upon millions for distribution. Defence is to be erased from the tablets of the constitution; and distribution, a word not to be found in that instrument, is to be interpolated, by an appeal to the States to divide the spoils of the Government. National honor and national glory are to become an empty sound; and money, money for distribution, is to absorb all other considerations. When I reflect that the proposition before us is not a temporary measure, that it is not a single operation upon an accidental surplus, but that its author, the Senator from Kentucky, [Mr. CLAY,] declares it to be one of the great recommendations of this project, that it will be

perpetual, I shrink back appalled by the contemplation of the evils which this measure is preparing for this now happy, happy Union. Dark and gloomy visions flit before me when I survey the corrupting consequences of this surplus and distribution system. The country must pass through the valley of the shadow of death, if it can withstand the results of this system, by which the States are to be arrayed against the general Government, in a struggle for millions for distribution.

Postponing, for the present, the consideration of this branch of the subject, I will now endeavor to demonstrate that this measure is calculated to revive the tariff. The bill, as it now stands, strips the general Government of all resources from the sales of the public lands: it does more--it refuses, by a direct vote of the Senate, to pay the expenses of Indian wars, or treaties, or annuities, or removals, from the proceeds of the sales of the public lands; but throws all this vast expenditure, amounting, during the present year, to about twelve millions of dollars, upon the tariff. The whole expenses of the Government, ordinary or extraordinary, are henceforth to be devolved upon the tariff. The nett amount realized from the tariff since the year 1833, is about seventeen millions of dollars. By the compromise act of the 2d of March, 1833, the duties decrease annually by a descending scale, until in 1842 twenty per cent. is the maximum, and twelve and a half per cent. is about the average rate of duties. Our revenue, derived from the tariff, could not then much exceed twelve millions of dollars per annum. Deduct from this amount the probable average annual expense of Indian treaties, annuities, wars, and removals, and the sum left is wholly insufficient to support the Government. There is no man more opposed than myself to extravagant expenditures; but the most rigid economist cannot calculate that the expenditures of this Government, great as is the wonderful growth of the country, can be less in 1842, for all purposes, ordinary and extraordinary, than seventeen millions of dollars per annum. Withdraw the revenues from the public lands, and how is the deficiency in the revenue to be supplied? An increase of the tariff will be inevitable; and shall southern Senators support a bill, and maintain a policy, which will render necessary an increase of the tariff? Would not our own votes be arrayed against us, as at once the cause and the apology for such augmentation? This result seems to me to have been indirectly conceded by the Senator from Kentucky, [Mr. CLAY.] He, however, consoled us by stating that the duties may be increased on wines and silks. And how will this operate on the South? France buys a large portion of our cotton, and we purchase her wines and silks. The exchange is not direct, but the operation on prices is nearly the same. This is a principle conceded by the friends of free trade throughout the Union. Increase the duties upon wines and silks, and we will diminish the price of our cotton. This diminution of price may not be in the same proportion as the increase of the tariff upon imports; but it will be in a ratio approximating the rate of duties, and diminishing gradually, from year to year, the price of the export, till the loss arising from the tariff is nearly equalized between the importing and exporting nation. But an increase of duties upon wines and silks will not alone produce the required revenue. No; a general augmentation of the tariff will be necessary. It will be called a tariff for revenue, but will be, in fact, a protective tariff; for the revenues from the duties, added to the proceeds of the sales of the public lands, even at reduced prices, would, in the absence of this distribution, be fully sufficient for all the wants of the Government. Can any southern man be so blind as not to perceive that this bill throws the whole expenditures of the Government upon the tariff, and renders its increase inevitable? The author of this bill is the father of the tariff, and, with but few exceptions, the votes for this bill come from States favorable to the tariff. The only southern State which gave a united vote for the bill is Louisiana, a tariff State, and which I would gladly see cut loose from the protective system, by a repeal of the duty on sugar. It is perceived by the friends of the tariff, that, unless the surplus is distributed, a reduction of the duties is inevitable. Heretofore, immense expenditures for internal improvement, by the general Government, constituted a pretext for retaining the duties; now that system is abolished, and distribution is the substitute.

And here let me ask the Senate to consider that, when the tariff was partially abandoned by the author of this bill in 1833, it was accompanied by the hope that the system would be revived under more favorable auspices. That revival will take place if this bill becomes a law. Fifty millions of dollars under this bill are to be distributed among the States, which are thus to be corrupted and controlled by this mighty mass of treasure. The States are to be pensioned upon the general Government, rendered stipendiaries of their bounty, and distributees of their revenue. The whole taxing power is ultimately to be absorbed by the general Government, and State taxation to be discontinued. The State taxes in all the old States are to be paid from the sales of the lands in the new. This result has been openly proclaimed in several States friendly to this bill. If we may take one portion of the national revenue for distribution among the States, why may we not take any other portion? If we may distribute fifty millions of dollars of the national revenue, why may we not distribute five hundred millions? Concede the principle, and the result may easily follow. Protection was the pretext for the former tariff; now, something more universally corrupting, to influence all the States, is sought for, and distribution is the scheme for perpetuating the tariff, and augmenting it to an unlimited extent. Distribution is the great and only efficient antagonist of a reduction of the tariff. Let us refuse to distribute, and the people will demand a reduction of the tariff. On the one hand, is economy in expenditures, and a reduction of the duties and of the price of the public lands; on the other, is a refusal to reduce the price of public lands, an augmentation of the tariff, and a distribution of millions among the States. On the one hand, you are asked to reduce all the burdens of the people, and leave your uncollected millions in their pockets; on the other, you are required to keep up the price of the public lands, augment the tariff, and distribute the surplus among the States. On the one hand, we are asked, at a great expense of collection, to extort from the people forty or fifty millions of dollars annually, for the purpose of distributing one half the amount among the States; on the other hand, we are asked to collect no more money than is essentially necessary to carry on all the operations of a Government administered in a spirit of republican economy and simplicity, and leave this immense surplus in the hands of the people, to be used by each citizen as he may think proper. The one system will take annually from each free male citizen and head of a family in this Union an average sum of at least twenty dollars, to be distributed among the States, and never return to those who paid it. This annual contribution may be but a small amount to the wealthy, but to the poor man it may be a large portion of his annual income. This bill is, in fact, a scheme to levy an annual tribute for unnecessary revenue. What consolation will it be to the man who raises a small or large crop of cotton, that his State, not himself, receives a portion of the public revenue, when the price of his crop is greatly reduced by an augmented tariff, and the

price of every article he may purchase greatly enhanced thereby? Let him make a table of the profit and loss from this system, and he will find that where he gains one dollar by this system he loses twenty.

Again: what consolation will this distribution be to the farmer who wishes to buy a tract of the public lands to make a new farm, or enlarge an old one, that all reduction of the price is refused, or that speculators have entered the land, and ask for it ten or twenty dollars per acre? What consolation will this State distribution be to the settler upon the public lands, to whom a preemption law is refused, in order to increase the sum for distribution, and his farm thereby sacrificed to speculators? Ten or twenty per cent. of the amount will be lost in the process of collection, and swarms of unnecessary officers created to make the collections and distributions, and eat out the substance of the people. The new States, and especially the new States of the South, will have to bear nearly the whole burden of this system. Mississippi, in payment for public lands, and in decreased prices of her cotton, and increased prices for cotton bagging, clothing, sugar, and almost every article of consumption, under an increased tariff, will be drained annually of at least five millions of dollars, and get back annually about two hundred thousand dollars. I speak not now of the mass collected for a single distribution, by the retrospective operation of this law, but of the system as a system; and such it is admitted it will become, if this bill be passed into a law. To the State of Mississippi such a system will be utter ruin and desolation. All property will fall in value, and distress and embarrassment pervade the community. Let us leave this surplus uncollected, reduce the tariff, reduce the price of public lands, confine the sales to settlers only, and Mississippi will save more in a single year than she would gain in a long series of years from the distributive system. Confine the system to the distribution of the proceeds of the sales of the public lands, and how does it operate? Nearly all the moneys are paid for these lands by the new States, and what do they get in return? About one fifth of the amount paid by themselves, with the addition of ten per cent on the money paid by their own citizens. A single old State that pays, perhaps, not one dollar of this money into the Treasury, receives, by distribution, nearly twenty times as much as certain new States, paying millions of this money annually into the Treasury. The States, we are told, are now satisfied with fifty millions for distribution under the present tariff and present price of the public lands. But how long will they be thus satisfied when this corrupting system shall have commenced? or where will it terminate? The next assault will be directly made upon the revenues arising from the tariff. Augment the tariff, and increase the fund for distribution, will be the next requisition. Who can doubt this result if the South consent to the distributive system? Our own votes would rise up in array against us, and all resistance would be vain and impotent. Nor will there be any limit to the sum that may be demanded for distribution. The system will work a complete revolution in the form of our government, and, by the unlimited increase of the money power in the general Government, will subvert all the checks and guards of the constitution. The money wanted by a majority of the States for distribution, will be the only limit of the taxing power of this Government.

Is the South prepared for this result? Let us not console ourselves with the reflection that the distribution will stop at a demand for the proceeds of the sales of the public lands. Already a distribution of the whole unappropriated revenue has been openly proposed in Congress and has many advocates. A part of the revenues derived from the tariff is, in fact, as I have heretofore shown, distributed under this bill. The nett proceeds of the sales of the public lands in 1833 are distributed under this bill. But these proceeds have long since been expended under former appropriations. Whence, then, comes the equivalent for these expended proceeds? From the present proceeds of the sales of the public lands? No, for they also are distributed under this bill. This sum then thus distributed is, in fact, derived from the tariff, and can come from no other quarter. Indeed, it is also certain, on another ground, that the sum thus distributed is not the nett proceeds of the sales of the public lands. The Senate, by a direct vote, refused to deduct any of the following items from the amount to be distributed, namely: "Annuities to Indians on account of the purchase of lands:" "holding treaties with Indians, for the purchase of lands:" "amount paid to Indians for the purchase of lands:" "amount expended in removing Indians from lands purchased." We refuse to deduct some of the very amounts paid for the lands, distribute the proceeds of the sales, and call this a distribution of the nett proceeds of the sales of the public lands. Deduct the amount paid for the public lands, and all the incidental expenses, from the gross proceeds of the sales of the public lands on the 30th of September last, and there is little or nothing to distribute; certainly nothing, upon any possible calculation, approaching the amount distributed by this bill. The gross amount paid into the public Treasury for the purchase of public lands, from 1796 to the 30th September, 1835, was - $58,619,523

From this deduct the following charges against the public lands:

Sum paid for Louisiana, and interest -	$23,529,353
Do. for Florida, and interest - -	6,489,768
Do. to State of Georgia for public lands	1,250,000
Cumberland road, under compact chargeable on proceeds of public lands - -	5,956,024
Yazoo claims - - - -	1,832,375
General Land Office expenses - -	797,748
Salaries of registers and receivers -	91,153
Salaries of surveyors general, and surveys of special claims - - -	860,567
Surveys of public lands - - -	2,780,630
Charges on lands in Indian Department -	17,541,560
Total - - - - -	$61,129,178

leaving a deficit of $2,509,655 against the public lands on the 30th of September last. But to the amount paid on account of public lands as before stated, the Committee on Public Lands, which reported this distribution bill, have added four items, amounting to $5,409,973. Several of these items, the Senator from New York, [Mr. WRIGHT,] in a very clear and lucid argument, has shown not to be properly introduced by the committee; but including them all, and the gross proceeds of the sales of the public lands, as estimated by the committee themselves, is but $64,029,496; from which deduct the charges before enumerated, and it will leave a balance in favor of the public lands on the 30th of September last, of $2,900,318, at the highest possible estimate. Now the proceeds of the public lands distributed under this bill, prior to the 30th of September, 1835, are, as given by the committee themselves, $17,991,873. Deduct from this last sum the balance in favor of the public lands on the 30th of September, 1835, and the sum of $15,090,853 is distributed under this bill, not derived from the nett proceeds of the sales of the public lands, but from the tariff. The South denied the constitutionality as well as expediency of a tariff for protection; and do we, or can we, concede the constitutionality or expediency of a tariff for distribution? May we raise by a tariff fifteen millions, or five hundred millions, not for revenue for the wants of this Government, but for distribution? It is

perfectly obvious that this bill adopts the principle of distributing the moneys realized from the tariff, for the following reasons, each of which is sufficient to sustain my position: first, because it distributes nearly four millions of dollars as nett proceeds of the sales of the public lands in 1833, when this sum had been already fully expended for the purposes of the Government and the payment of the public debt; and the sum now taken is realized from the tariff. Second, the Senate distinctly refused to deduct from the sum for distribution four very large items, clearly chargeable on the public lands; and thirdly, the sum of at least fifteen millions, as heretofore proved, is distributed under the provisions of this bill, prior to the 30th of September, 1835, beyond the nett amount then received from the public lands. It is in vain, then, to escape the conclusion that this is a bill for a distribution of the general revenues of this Government. Have we the power to impose a tariff to raise money for distribution among the States? If so, in what clause of the constitution is the power given? May the general Government collect taxes from the South, by the tariff, to support the State Governments of the North, and pay their State taxes, under the operation of this distribution? May Massachusetts, through the operations of the general Government, tax Mississippi for the benefit of the people of Massachusetts alone, by the intervention of a tariff for distribution? But I will go further, and ask, conceding this bill to be limited to a distribution only of the nett proceeds of the sales of the public lands, has Massachusetts, through the operations of this Government, a right to collect vast sums of money from the people of Mississippi for the use of Massachusetts? and if the power exists, is it expedient to permit its exercise? Surely there can be but one response to this last question. That the old States, through the operations of distribution, should receive a State income for State purposes out of moneys received from the people of the new States from sales of the public lands, is a most dangerous principle. It renders the new States the colonies of the old States. It establishes in fact, in its practical operations, the principle of taxation without representation, and strikes a deadly blow at the prosperity and independence of every new State in the Union. Destructive to the South, ruinous to the new States, threatening to the Union, will be the adoption of this fatal, fatal measure.

It should not be forgotten, that this bill is the same in substance heretofore vetoed by President Jackson; that it was reported originally by the Senator from Kentucky, [Mr. CLAY,] from the Committee on Manufactures, when that Senator was urging a rigid adherence to a protective tariff. The system of extravagant expenditures by the general Government for local improvements had been arrested by the Maysville veto. That branch of the American system having been broken down by that veto, the system of distribution has been resorted to as the only means of preventing a reduction of the tariff, and of the price of the public lands.

Nor is the revival of the tariff the only evil that will result from the adoption of this measure. It will forever prevent the reduction of the price of the public lands, or the adoption of any provision in favor of actual settlers. The pre-emption system, to secure his home to the industrious occupant, has already been sacrificed in anticipation of the passage of this bill. The committee who reported this bill have reported against the whole pre-emption system; they have done more—they have reported against allowing pre-emptions to those settlers whose settlements have been covered by contingent Choctaw floats. Their chairman (who reported, this year, this distribution bill) has declared that the public lands are worth from ten to twenty dollars per acre, and announced his determination to bring in a bill which will cause the public lands to bring these prices. The mode of operation has also been disclosed by him. Secret sealed bids for all the public lands, by which the settler must bid for his farm, not only against the speculator, but against himself; for no human being can tell what amount of bid will secure his farm. Whilst, then, in point of form, the price of public lands is not increased, in point of fact it is sought to be augmented by the leading friends of the distribution bill, from one dollar and a quarter to ten or twenty dollars per acre. Sales of the public lands at small prices, for actual settlement, are to be wholly abandoned, and the new States treated as some distant colony, to be looked to only as a source for draining money for distribution. A direct State interest in the moneys arising from the sales of the public lands is to be given to each one of the old States of the Union. These States constitute a large majority in both Houses of Congress, and will, if this bill is passed, direct their views to the sales of the public lands, with the sole object of deriving from those sales the largest fund for distribution; all reduction of price, all donations or pre-emptions to settlers, will be utterly refused. These results were all predicted by me, in a speech against this bill, delivered at Raymond, Mississippi, in September, 1834; and these predictions have been all too fully realized. Each one of the old States desires to render as large as possible her distributive share of the proceeds of these sales, and, if this bill is passed, will never consent to diminish that share, by any reduction of the price. Pre-emption laws will be—they are—refused; and sales for speculation encouraged. If there is one man who can doubt the operation of this system, let him examine the report in which it originated. That report was made to the House of Representatives of Congress, on the 25th of February, 1829, by a committee of that House, in favor of this distribution of the nett proceeds of the sales of the public lands. From that report I read the following extracts.

Speaking of the policy which prevailed prior to the system of distribution proposed by the committee, they say—

"Claims rejected at the land offices have been readily allowed by Congress. Grants to colleges and other institutions, of small tracts, having been obtained with facility, and other evidences having been manifested of a disposition, on the part of Congress, to concede the rights of the many to the importunities of the few, large donations were successfully solicited, and during the session of 1827 and 1828 Congress actually gave away to States, and to individuals, not less than two million three hundred thousand acres of choice land." * * * "Encouraged by the success of these applications, several of the new States have now boldly demanded of Congress the surrender of the lands within their limits." * * * "But if any States have, in reality, an unhallowed desire *to get*, it may be useful to them to reflect that the other States have the power *to keep*." * * "It appears to your committee that the time has arrived when the community should be awakened to a protection of their rights; when measures should be adopted in the national councils to give the States a direct interest in the income arising from the sales of the public lands. This individual measure would at once check further concessions." * * * "This policy would undoubtedly always influence a majority; because only the member from a State about to receive a cession would venture to make such a gift, when the evident consequences would be the diminution of the direct revenue of the States represented by the rest." Here is the whole ground conceded by the very committee which first proposed the distribution of the proceeds of the sales of the public lands. In this report, the committee concede the following positions:

First. That prior to the proposed distribution, "claims rejected at the land offices have been readily allowed by Congress." * * "Small tracts have been obtained with facility." * * "During the session of 1827 and 1828, Congress actually gave away to States and individuals not less than two million three hundred thousand acres of choice land."

Second. That the distribution project would arrest this liberal policy to the new States, by giving to the old States "a direct interest in the income arising from the sales of the public lands"—that this measure "would at once check further concessions." Here the effects of this distribution upon the new States is distinctly conceded by the very committee which proposed the measure, and its adoption urged by a direct appeal to the interest of the old States, and a violent denunciation of the new States of the Union, as influenced by "unhallowed desires." Let us contrast the operations of the two systems, as conceded by the committee themselves:

No distribution—effects of.	*Distribution—effects of*
1st. Large donations of lands to individuals.	1st. No donations hereafter.
2d. Large donations of lands to new settlers.	2d. None hereafter.
3d. Old States holding no direct interest in sales of public lands.	3d. A direct interest given to the old States in the income of public lands.
4th. Private claims to lands readily allowed.	4th. Rigid system hereafter as to all land claims.
5th. A liberal policy to the new States.	5th. A policy to extract from the new States most money for distribution.

A revolution in the policy of the Government as to the public lands has already taken place, in anticipation of the passage of this distribution bill. In 1827 and 1828 the Journals of the Senate and the published debates of that body demonstrate that a very large majority of the Senate was favorable to the reduction of the price of the public lands; that the measure was lost by a difference of opinion as to the extent of the reduction; that all seemed willing to reduce the price of the public lands at once to one dollar an acre; and that, of the few who opposed a considerable reduction, several proposed an immediate cession, upon equitable terms, of all the public lands to the States within which they were situated. At the session of 1828, when a bill to reduce the price of the public lands was under consideration, the Journals and published debates show that the Senator from Massachusetts [Mr. WEBSTER] then moved to reduce the price of the public lands in favor of actual settlers to fifty cents per acre. The vote on this proposition, as recorded on the Journal, was 18 for and 27 against it; a majority of those who voted against this proposition voting, however, for the other proposition for a still greater reduction. Such was the situation of this question in 1828, prior to the introduction of the distribution bill. Now, how changed the scene! All reduction of the price refused; the settlers of the new States denounced upon this floor as unprincipled squatters; pre-emption laws treated with scorn and derision, and speculators encouraged to purchase the farms of the settlers at the public sales, and rob them of the price of their labor. The Senator from Tennessee [Mr. WHITE] has thought proper to express in his speech, in favor of this distribution bill, his disapprobation of my proposition to reduce to actual settlers the price of the public lands. It is far from my intention to arraign the conduct of the venerable Senator from Tennessee; but as he thinks my proposition so very objectionable, may I be permitted to remind him, that before he became the advocate of this distribution land bill, he voted, in 1828 and in 1832, as the Journals show, for a much greater reduction in favor of those who only promised to become actual settlers. [Here the Journals of 1828 and 1832 were produced and read, affirming the above statement.] In 1832 I find the vote of the Senator from Tennessee [Mr. WHITE] against this distribution land bill; now he is found voting in its favor. In 1832 I find him voting for the amendment to increase the amount to the small States, by distributing according to the representation in the Senate and House of Representatives; now, his vote is recorded against the same proposition. In 1832 I find him voting to exclude from the gross proceeds to be distributed all expenses arising from Indian treaties, Indian annuities, removals, &c.; now, I find his vote recorded against the same propositions. I do not complain of this. It is the necessary result of a conversion to the support of this bill. Distribution and reduction are the opposing principles. Reduce the price, and distribution becomes unnecessary. Distribute the proceeds of the sales of the public lands, and the price will be increased, rather than diminished. When distribution commences, will any Senator from any old State dare vote to reduce the price of the public lands, when such reduction would be "the diminution of the direct revenue" of the State he represents? A vote for this bill is a vote against reduction, against donations or pre-emptions to settlers. It is a vote to sacrifice the new States, for the benefit of the old States. Money, money for distribution, will be the result of this system, and not the settlement or improvement of the new States of the west. Sales at high prices to speculators, and not to settlers, will be one of the bitter fruits of this measure. Eight millions of acres have passed, during the present year, into the hands of speculators, to the prejudice of actual settlers, and this system will be encouraged, because it increases the fund for distribution. And if such are the effects in anticipation of the adoption of this measure, what will be the consequences when distribution commences? I am filled with dismay and apprehension in contemplating the result. The new States will be treated as distant vassal colonies; they will become to this Union what Ireland is to England, counted only by the dollars and cents which can be extorted from the people. Yes, by this bill the new States are marked as a table of profit and loss, put in the market as articles of merchandise to be sold to the highest bidder, to obtain money, money for distribution. Each of the old States obtains "a direct interest in the income arising from the sales of the public lands." State legislation will direct and control this income, and every old State will desire its augmentation. What will follow? Instructions to their representatives in Congress to repeal this law, and increase the price of the public lands. State agents will be sent from every old State, preceding every public land sale, to examine the farm of every settler, and bid it up to the most extended value. Do not the papers in the old States, friendly to this bill, declare that its passage will exempt the people of those States from all taxation? The people of the new States will be made to pay the taxes of the people of the old States by this distribution of the proceeds of the sales of the public lands. Will any State Legislature of any old State dare tax their constituents, when they can avoid this necessity by instructing their representatives in Congress to increase their share of the income by increasing the price of the public lands? Sales will be made or postponed, systems established, and prices regulated solely with the view to augment the fund for distribution. Experiments will be made to ascertain how much money can be drained from the people of the new States. A direct collision of interest will be created between the old and new States. State legislation on this subject in the old States will be encountered by State legislation in the new States, and our great and glorious Union subjected to imminent peril. Could I lift the veil of futurity—could I array before the Senate all the fatal results of this measure, I am sure they would turn

back from the precipice, upon the very brink of which they are now standing. In vain will they attempt to arrest the evil, when this bill shall have become a law. Money—money—money for distribution will absorb all other considerations, and bury in its engulfing vortex the liberties of this now happy, happy Union. State taxes will be abandoned, and the whole taxing power concentrated in the general Government. State officers, expenses, and improvements, will be paid from the fund distributed by the general Government. If the land sales furnish not a sufficient fund for distribution, increase the tariff will be the next demand. National defence will next be abandoned, our army disbanded, and coast and frontier left defenceless. The navy will next be sacrificed. Increase the surplus, will be the demand of the majority, whenever we embark in this corrupting system. Why try these dangerous experiments? Why create or continue a surplus? Why not rather reduce the tariff, reduce the price of the public lands, and collect no more money than is required for the wants of a Government economically administered? Under the surplus system, the general Government will become a mere collector of money for the States, and we might as well disband both houses of Congress, and let a majority of State Legislatures conduct all the operations of this Government. No Government can long endure the operations of such a system. We will take the voluntary leavings of a majority of the States, when they shall have exhausted our revenues in expenditures for State purposes. It will be worse than the system of requisitions upon the States under the old confederacy, which brought this country to the brink of ruin. Never --no, never--was it intended by the framers of the constitution that we should collect vast sums for distribution among the States. It is not among the enumerated powers or purposes of this Government. We can collect money only to conduct the operations of this Government, and carry into effect the powers granted to Congress by the constitution. Were it otherwise, there is no limit to the money collecting power of this Government, and we may raise five hundred millions in a single year for distribution. Distribution, a term unknown, a power now ungranted in the constitution, will nullify the Government itself. This national Government will sink into a mere collector of taxes and of money for distribution, and will soon become an object of scorn and derision. It will be gorged by an annual surplus, to be bled to death by an annual distribution. For a few years it may survive this annual operation of repletion and depletion, but soon the vital blood will be thrown upon the extremities, to return no more to the central organs, and the heart of the Government will cease to beat. Reduction is the only true remedy for a surplus revenue. Distribution will never send back the money to those who paid it. Reduction will leave the money in the pockets of the people, to be used by each freeman for his own benefit, uncontrolled by any earthly power.

But we are tempted to unite in this system to sell ourselves to the old States, by an offer of ten per cent. additional on the sales of the public lands, and five hundred thousand acres. We shall be, indeed, more foolish than Esau selling his birthright for a mess of pottage, if we accept the offer. Why, the distribution is according to the "last census," and Mississippi has increased, not ten per cent., but more than one hundred per cent., since that period. How unequal, then, and unjust, the ratio of distribution! But let us look at the operation of this system. Let us take a single year, in which Mississippi pays into the public Treasury half a million of dollars for the public lands. Under this system she would get back ten per cent. of the nett proceeds and her distributive share--in all, about eighty thousand dollars; and States that paid not a dollar of this money into the public Treasury would receive the remainder. And take the whole fund from all the lands, and the old States, that paid scarcely a dollar of this money into the public Treasury, would receive three-fourths of the whole amount. How long could we endure the unequal operations of such a system? It is buying the new States with ten per cent. upon the money paid by themselves. It is purchasing us with our own money. But then the grant of land remains. Now it is not a donation, but a sale for a consideration. The consideration is, as stated in the act, that the proceeds of the sales of the lands granted are to be applied in the construction of roads and canals, &c., which, when constructed, shall be, in the language of the grant, "free for the transportation of the United States mail, and munitions of war, and the passage of their troops, without the payment of any toll whatever," and the grant is confined to lands subject to entry at private sale. Now, suppose the proceeds of the sale vested by the State in a railroad, it might so happen that the toll relinquished by this act would have yielded annually more than the interest upon the amount of the proceeds of the sales of the grant. If so, the land would have been purchased at a price equivalent to its value. This grant, then, is a sale for value, and not a donation. But were it a donation, how vastly unequal are the grants to the new States. The professions of the friends of the bill are to put the new States upon an equality as to grants of the public domain. Now this bill grants to each of the States of Louisiana, Mississippi, and Missouri, five hundred thousand acres, for the purposes above mentioned; and to Indiana, one hundred and fifteen thousand two hundred and seventy-two acres; Illinois, twenty thousand acres; and Alabama, one hundred thousand acres. Now, from document number 245, received from the Treasury Department, it appears that the grants made to the new States heretofore, for roads and canals, were as follows:

	Acres.
Ohio,	1,041,337
Indiana,	525,614
Illinois,	482,000
Missouri,	none
Alabama,	400,000
Mississippi,	none
Louisiana,	none

Now this bill, instead of equalizing the grants among the new States, leaves Ohio considerably more than half a million of acres more than Mississippi, and Indiana one hundred and forty thousand eight hundred and eighty-six acres more than Mississippi. Why this inequality? Why this partiality and favoritism? Why this odious distinction between the new States in relation to this matter? Ohio and Indiana should both have less than Mississippi, for this reason—that whilst Mississippi has received nothing from this Government for the construction of roads within her limits, these States have received five millions of dollars from the general Government for the construction of the great road leading to and through them; and this very bill perpetuates this injustice, by charging this road upon the two per cent. fund, when that fund has been ten times exhausted already. Grant to Alabama and Mississippi five millions of dollars for roads, and more than two millions of acres in grants of land, and you will place them on an equality with Ohio, and not otherwise. If, then, we are to be paid a price for the surrender of the interests of the new States to the old States, let the price be equal what is paid to all the new States, and not the unjust and unequal propositions contained in this bill. Such propositions are adding insult to injury, and would be rejected with disdain by the freemen of Mississippi. But if these grants to the new States are valuable, why are they forced

into this bill, which the President has once vetoed, and which it is known he will veto again, but would approve in a separate bill which is voted down by the friends of distribution?

In the message of President Jackson, placing his veto upon this bill, that illustrious patriot and statesman declared: "I deceive myself greatly if the new States would find their interests promoted by such a system as this bill proposes. Their true policy consists in the rapid settling and improvement of the waste lands within their limits. As a means of hastening those events, they have long been looking to a reduction in the price of public lands, upon the final payment of the national debt. The effect of the proposed system would be to prevent that reduction.

"I do not doubt that it is the real interest of each and all the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated; and that after they have been offered for a certain number of years, the refuse remaining unsold shall be abandoned to the States, and the machinery of our land system entirely withdrawn." "While the burdens of the East are diminishing by the reduction of the duties upon imports, it seems but equal justice that the chief burden of the West should be lightened in an equal degree at least." Such is the just and liberal policy recommended by the President of the United States; and can any citizen of any new State doubt or hesitate as to the two propositions? The one system will forever prevent a reduction of the price of the public lands, retard their settlement, restrain emigration to the West, destroy pre-emption laws, prevent donations to settlers, encourage sales to speculating monopolists, enhance the price, by introducing secret sealed bids, prevent the surrender of the refuse lands to the new States, support the State Governments of the old States from money extracted from the people of the new States, perpetuate the surplus system, and render an increase of the tariff inevitable. The other system, proposed by the President, and which will ultimately prevail if this distribution project can be defeated, will subdue the lands of the West, fill them with a race of farmers and cultivators, increase our wealth and population, develop our resources, and leave this unnecessary surplus in the hands of our citizens, to be used by each freeman to advance the welfare of himself and family. Reduction of the revenue to the wants of the Government is our true policy. Reduce the tariff, reduce the price of the public lands, and you will have no surplus for distribution; but establish the distribution system, and you will never reduce; on the contrary, you will soon inevitably augment the tariff and the price of the public lands. In sustaining distribution, I would oppose reduction, for they are opposing principles. In sustaining distribution, I would oppose pre-emptions and donations to settlers, encourage monopolies by speculators of the public lands, and introduce the system of secret sealed bids, by which we are threatened by the committee which reported this bill. And, finally, in supporting distribution, I would sustain the tariff, and render its augmentation inevitable, and a consequent depression of the price of our great staple. These are my views upon this important subject, and I thank the Senate for their indulgent attention to my remarks upon this question.

When Mr. WALKER had concluded,

The bill was, by general consent, laid on the table.

Mr. LINN rose to move that the Senate adjourn. He had no disposition, he said, to delay the vote on the land bill, but he hoped it would not be taken before Tuesday. The state of the northwestern frontier was such, that he wished to know what Congress would do for its protection, before the vote on the land bill was taken.

Mr. L. then withdrew his motion to adjourn, at the request of

Mr. MORRIS, who moved that, when the Senate adjourn, it adjourn to meet on Tuesday next; the House of Representatives having adjourned over to that day.

Mr. HILL called for the yeas and nays on this motion, which were ordered; and the question was decided in the negative by the following vote:

YEAS—Messrs. Clay, Clayton, Crittenden, Cuthbert, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Leigh, McKean, Mangum, Morris, Niles, Preston, Robinson, Ruggles, Shepley, Swift, Tallmadge—19.

NAYS—Messrs. Benton, Black, Buchanan, Calhoun, Davis, Hendricks, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Linn, Naudain, Nicholas, Porter, Prentiss, Robbins, Southard, Tomlinson, Walker, Webster, White, Wright—24.

Mr. RUGGLES moved that when the Senate adjourn, it adjourn to meet on Monday next.

Mr. BUCHANAN opposed the motion, and called for the yeas and nays. They had arrived, he said, at a stage of the session when they had but little time to spare. They ought to act speedy on the appropriation bills, for which the public service was suffering.

Mr. RUGGLES's motion was negatived: Yeas 13, nays 29, as follows:

YEAS—Messrs. Benton, Crittenden, Cuthbert, Ewing of Illinois, Goldsborough, Hendricks, McKean, Morris, Niles, Preston, Robinson, Ruggles, Shepley—13.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Clayton, Davis, Ewing of Ohio, Grundy, Hill, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, Naudain, Nicholas, Porter, Prentiss, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker, Webster, White, Wright—29.

Mr. EWING observed that, as several members would be absent on Saturday and Monday, he would not call up the land bill until Tuesday next.

On motion of Mr. LINN,

The Senate adjourned.

SATURDAY, APRIL 30.

INCENDIARY PUBLICATIONS.

On motion of Mr. GRUNDY, the Senate took up the bill prohibiting deputy postmasters from receiving and transmitting by mail publications therein specified, in order to enable him to offer an amendment.

Mr. GRUNDY then moved to strike out all the original bill, after the enacting clause, and to insert a substitute, which he sent to the chair, and which was read.

On motion of Mr. GRUNDY, the amendment was ordered to be printed; and the bill was laid on the table.

SMITHSON LEGACY.

On motion of Mr. PRESTON, the Senate took up the bill authorizing the President of the United States to appoint an agent or agents to prosecute and receive from the British court of chancery the legacy bequeathed to the United States by the late James Smithson of London, for the purpose of establishing at Washington city an institution for the increase of knowledge among men, to be called the Smithsonian University.

Mr. P. said that by this will it was intended that this Government should become the beneficiaries of this legacy, and contended that if they had not the competence to receive it by the constitution, the act of no individual could confer the power on them to do so. He claimed that they had not the power to receive the money for national objects, and, if so, the expending it for another object was a still higher power. He controverted the position that if they could not receive it as the beneficiary legatee, they might receive it as the fiduciary agent. If

they had not the power to establish a university without the power conferred on them by a grant, they could not have it with the grant; or what they could not exercise directly, they could not exercise as trustee. He referred to a report made by Mr. Adams in the House of Representatives, in which the genealogy of Mr. Smithson was given and traced through the line of the illustrious Percys and Seymours of England. He thought this donation had been partly made with a view to immortalize the donor, and that it was too cheap a way of conferring immortality. There was danger of their imaginations being run away with by the associations of Chevy Chase ballads, &c.; and he had no idea of this District being used as a fulcrum to raise foreigners to immortality by getting Congress, as the *parens patriæ* of the District of Columbia, to accept donations from them.

The committee had misconceived the facts: the bequest was to the United States of America to found a university in the District of Columbia, under the title of the "Smithsonian University;" and the execution of the terms of the legacy was to redound to the purposes of the donation, which was for the benefit of all mankind. It was general in its terms, and not limited to the District of Columbia; it was for the benefit of the United States, and could not be received by Congress.

Mr. LEIGH said he would thank the gentleman to inform the Senate that the report he had referred to was made in the House of Representatives, and not by a committee of the Senate. The report of the Senate's committee was simply a statement of matters of fact. Mr. L. explained the provisions of the will, which were simply these: The testator, James Smithson, bequeathed to his nephew, James Henry Hungerford, a legacy of one hundred thousand pounds sterling; providing, that if Mr. Hungerford should die without children, the legacy should enure to the United States, for the purpose of founding, at the city of Washington, an institution for the increase of knowledge among men, to be called the Smithsonian University; and the Government had received information from the American consul at London that Mr. Hungerford had lately died without ever having been married, and without leaving any children. It now became necessary, Mr. L. said, for Congress to determine whether it was competent for the United States to receive this money; and if they should receive it, to take measures for carrying the intentions of the testator into effect. The committee to whom this subject had been referred were all of opinion, with the exception of the gentleman from South Carolina, [Mr. PRESTON,] that it was proper for the United States to receive this money. They had not considered the question at all, whether it was in the power of Congress to establish a national university; nor was it necessary they should do so. They looked upon this bequest as having been made simply for the benefit of one of the cities of the District of Columbia, of which Congress was the constitutional guardian, and could receive and apply the money in that form. Congress was the *parens patriæ* of the District of Columbia, in the sense laid down by Blackstone; a power which necessarily belonged to every Government, and could therefore very properly receive this trust for a charitable purpose in the District of Columbia. Congress had in fact exercised this power of *parens patriæ* of the District in the establishment of an orphans' court, in the erection and support of a penitentiary, and could create an establishment to take care of lunatics; and, indeed, if it did not possess this power, in what a deplorable condition would this District be. The States of Maryland and Virginia undoubtedly possessed this power, and of course Congress derived it, as to the District, from their deeds of cession. He did not look upon this legacy to be for the benefit of the United States, but for the benefit of one of the cities of the District over which Congress was guardian; and he had therefore no difficulty in voting for the bill.

Mr. PRESTON was aware of the decision of the Supreme Court cited by the Senator from Virginia, [Mr. LEIGH,] that the people of this District might be taxed without representation; and he had no doubt that these corporations could exercise a trust. But this was not a trust to the city of Washington. The United States was the *cestuy que trust*, and not the city of Washington. The corporation of the city of Washington could not enforce this claim in a court of chancery in England. If an institution of the kind was desired, he would prefer it to be established out of our own funds, and not have Congress pander to the paltry vanity of any individual. If they accepted this donation, every whippersnapper vagabond that had been traducing our country might think proper to have his name distinguished in the same way. It was not consistent with the dignity of the country to accept even the grant of a man of noble birth or lineage.

Mr. CLAYTON said, the Senator from South Carolina [Mr. CALHOUN] had considered this as a donation to the United States. It was not so. The United States was merely named in the will as the trustee, and was to receive no benefit whatever. It was merely a charitable object to establish a university in the District of Columbia. They had established similar institutions within the District of Columbia, by acts of Congress, and no one doubted the power to permit persons from other places to be educated in them.

Mr. CALHOUN said, if his memory served him, there was opposition made to the passage of those acts.

Mr. CLAYTON said he believed there was some objection made to the policy, but not to the power, of making the donation. It was to be located in the city of Washington, and persons in this city would be more benefited by it than any others.

Mr. CALHOUN was of opinion that this donation was made expressly to the United States. By reading the terms in which the bequest was made, it was impossible to conceive otherwise. The bequest was "to the United States of America, for the purpose of establishing, *at the city of Washington*, an institution for the increase of knowledge among men." Now, take out the words "the city of Washington," and the donation was clearly to the United States. The words "the city of Washington," were only used to designate the place where the university was to be established, and not by any stretch of the meaning of language to be considered as making the donation to the city. He understood the Senators, on all hands, to agree that it was not in the power of Congress to establish a national university, and they all agreed that they could establish a university in the District of Columbia. Now, on this principle, they could not receive the bequest; for the District of Columbia was not even named in it: the city of Washington being only designated as the place where the university was to be established, and the bequest being expressly made to the United States. He thought that acting under this legacy would be as much the establishment of a national university, as if they appropriated money for the purpose; and he would indeed much rather appropriate the money, for he thought it was beneath the dignity of the United States to receive presents of this kind from any one. He could never pass through the rotundo of the Capitol without having his feelings outraged by seeing that statue of Mr. Jefferson, which had been placed there contrary to their consent.

Mr. SOUTHARD said that the Senator from South Carolina was mistaken in saying that every Senator agreed that it was not in the power of Congress to establish a national university. He, for one, believed that Congress had the unquestionable right to do so. This,

however, did not involve the constitutionality of the question before them; as, in his opinion, the most rigid construction of the constitution would not be adverse to the bill. Congress had the same right to establish this university that they had to charter a college in Georgetown or Alexandria.

Mr. BUCHANAN believed that Congress had the power to receive and apply this money to the purposes intended by the testator, without involving the question whether they had the power to establish a national university or not. There was no question but that James Smithson, in his lifetime, had a right to establish a university at the city of Washington, and call it the Smithsonian University; or a national university, if he pleased; and Congress, by receiving and applying this bequest, would only act as the trustee of the city of Washington, for whose benefit it was made.

Mr. WALKER would not discuss the question whether this was a national university, because he believed that question was not involved. But he should vote for the bill, on the ground that Congress would be doing manifest injustice to the citizens of the city of Washington by refusing to accept the donation. It was true that it operated for the benefit of all mankind, but not more so than a university established at Princeton or any other place. The Senator from South Carolina [Mr. CALHOUN] had said they ought to read the will as if the words "at Washington" were left out. He (Mr. W.) did not think so; they ought to read it just as it was, in connexion with the whole, and give it its true construction, which was, that the United States was only designated as the trustee, and the people of the city of Washington had a right to call upon Congress, as the representatives of the United States, to execute the trust.

Mr. DAVIS said this man, Smithson, it was said, had devised one hundred thousand pounds sterling for the establishment of a university in the city of Washington to diffuse knowledge among men. It seemed to be taken for granted that it was for the establishment of a university, although he believed the word university was not to be found in the will. He could not infer why it was so construed, as there were other means of diffusing knowledge among men besides doing it through the medium of universities, and he therefore thought the discussion, as to the particular design of the gift, premature. He did not regard it as a gift or bequest to the Government. If he did, he would have all the feelings evinced by the Senator from South Carolina, [Mr. PRESTON.] The testator had not specified what special purpose it was to be applied to, nor when the fund was to be used; and Congress might defer using it until it became large enough to be used advantageously to the purposes of diffusing knowledge among mankind. If they denied the right to establish a university, they denied the right to establish all institutions of charity. The same question involved in this was also involved in the incorporation of institutions which had been incorporated by them in this District. The only question now under consideration was, whether they should receive this money. He would vote for it, and, if they could not devise some appropriate disposition of it after it was received, he would be willing to send it back by the first return packet.

Mr. CALHOUN asked the Senator from Massachusetts [Mr. DAVIS] what construction he would put upon the will, if the words "at Washington" had been left out of it.

Mr. DAVIS replied that he would put the same construction on it then as he did now. His first inquiry would be whether it was for a charitable purpose; and, if there was no power to establish the institution in any of the States, he would establish it in the District of Columbia; and if the power to establish it there was doubted, he would establish it in one of the Territories. He deemed the establishment of institutions for the diffusion of knowledge a vital principle of a republican Government. They might as well say that delivering lectures in any of the sciences was a national institution, as to call this one.

Mr. PRESTON said the declaration of the Senator from New Jersey [Mr. SOUTHARD] had satisfied him that this was a national university. There was no difference between a university in the District of Columbia for the benefit of all mankind and a national university. That Senator had not distinguished between the power of erecting buildings and the use to which they were appropriated. They had the power to erect buildings *in loco parentis patriæ* for the benefit of the District of Columbia; they might erect buildings for the maintenance of paupers of the District; but if the people of the District, in this case, were to have any benefit peculiar to the place, it was in the erection of the buildings alone. He asked if the buildings of the Post Office Department were erected by Congress as the *parens patriæ* of the District of Columbia? Had they the right, as *parens patriæ* of the District of Columbia, to erect this building for the benefit *humani generis* of this District, when in fact it was a general charity to mankind, including the confederacy, and not confined to the District of Columbia? He was against the power, and would be against the policy, if they had the power.

After some further remarks from Messrs. LEIGH and PRESTON, the question was taken on ordering the bill to be engrossed for a third reading, and decided in the affirmative: Yeas 31, nays 7, as follows:

YEAS—Messrs. Benton, Black, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Grundy, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Linn, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Rives, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker—31.

NAYS—Messrs. Calhoun, Ewing of Illinois, Hill, King of Georgia, Preston, Robinson, White—7.

The Senate then adjourned.

MONDAY, MAY 2.

FOREIGN PAUPERS.

Mr. DAVIS presented the following resolution, adopted by the Legislature of Massachusetts:

Resolved, That it is expedient to instruct our Senators and request our Representatives in Congress to use their endeavors to obtain the passage of a law to prevent the introduction of foreign paupers into this country, and to favor any other measures which Congress may be disposed to adopt to effect this object.

Mr. DAVIS said he feared that the resolve would not be fully understood in all parts of the country, and would therefore take leave to offer some explanation of the reasons which had probably induced the Legislature to act upon the subject. He need not say it was important, as, otherwise, it would not be presented here in this form. If he did not mistake the signs of the times, the wrongs which had been inflicted on Massachusetts would soon reach other places, and the country would participate in her sentiments.

It is well known (said Mr. D.) that pauperism in Europe has become a great and oppressive burden. In England, especially, it has become so powerful in numbers and physical power as to be, in some districts, almost uncontrollable. The number had not, to his knowledge, been accurately ascertained; but the means were at hand to prove that the aggregate and power were great and oppressive. It appeared, from parliamentary documents, that, in 1818, the sums expended by the parishes in England and Wales alone, where

these corporations provide for the poor, amounted to about thirty-eight millions of dollars; a sum greater than the whole revenue of this country for public purposes. The burdens, as well as other evils, were so severely felt, that public attention had been drawn to the subject, with a hope of obtaining relief. Much had been written and much said, but no efficient action had taken place up to 1833, when the King appointed a commission, with large powers, to collect evidence and report to the Parliament. The commissioners appointed a large number of sub-commissioners, assigning to each a district, and authorizing them to collect evidence, and report to the general board. They proceeded in the execution of their duty, and their reports, with the evidence, went with the report of the general board into Parliament, when all were published, and fill a large number of closely printed folio volumes, which are in the possession of the United States. These volumes shed light upon this subject, which may well fill the mind with astonishment.

The evidence shows that the paupers of England and Wales are debased, demoralized, and depraved to a degree that surpasses belief; and the commissioners impute much of this to the mode of granting relief. This deserves to be much considered; for the mode did not essentially differ from that pursued in many places in this country. It was founded on an equitable arrangement, by which they attempted to measure out relief in proportion to the necessity of the pauper. It appeared that the relief was furnished by a scale, as it is called, and the pauper usually received it at his place of abode. To a married person the allowance was more liberal than to one single; to one with children more liberal than to one without. Consequences of the most disgusting character had resulted from this arrangement. Marriages, such as could never have been anticipated, had been solemnized. Women advanced in life had led minors to the altar, and nuptials of the most thoughtless, revolting character had been consecrated, and followed by domestic relations, such as may be easily imagined where there is no motive to union beyond the sordid one of obtaining larger allowances. As children give to the parent enlarged claims to public bounty, females abandoned themselves to shameless debauchery, and thus, and for such causes, seduction and open profligacy were encouraged. These were not matters of occasional occurrence, but, as the commissioners state, common—every day's practice. So shameless and lost are they to all moral decency and propriety, that they treat with scorn and contempt those who endeavor, by honest labor, to sustain themselves; they sneer at them as slaves to their own necessities, as in a condition less independent and more to be deplored than their own, holding themselves to be a privileged body, an aristocracy living upon what they extort from others. Thus they seduce the industrious from their principles and habits, and convert them into associates in their own idleness and vice. In this manner the tide of pauperism has swelled and swept with a fearful current over some portions of England, bidding defiance to the laws, and almost prostrating the civil authority.

In one parish the numbers increased, and the demands with them, until the taxes exceeded the rents and income of the whole landed territory; and landlords and tenants, being thus made paupers, abandoned the soil. In many parishes the officers have declared that they dare not withhold relief, even when demanded by persons well able to support themselves, for fear of personal injury or malicious mischief to their property; and it is said that the burning of many ricks of hay and grain, of which we have heard, has come from this cause.

Such is a faint outline of the picture of idleness and moral depravity disclosed by this evidence; and it is but an outline, for the details of disgusting particulars would more than sustain and fill up the picture. The proof shows that their lives are stained with guilt and crime. It is greatly to be deplored that such a state of things exists; but such is the character of these proofs, that it may well be doubted if there is among civilized man to be found another class so reckless and depraved. It is not singular that the body politic should seek relief from such a disease preying upon its vitals, and threatening it with abiding infirmity.

This (said Mr. D.) brings me to a point where I will show the interest which the American people have in this matter. In the course of the inquiries made by the commissioners, they discovered that some of the parishes had, of their own accord, and without any authority in law, as it seems, adopted the plan of ridding themselves of the evil by persuading the paupers to emigrate to this side of the Atlantic. And whom, Mr. President, did they send? The most idle and vicious; furnishing them with money, besides paying their passage, and then leaving them on this continent, either to reform or to rely on the people here for support. The commissioners, forcibly impressed with the efficiency of this plan, as a complete remedy, strongly recommended to Parliament to adopt it, and to authorize the parishes to raise money by taxes for this purpose. They proposed, too, that the most idle, debauched, and corrupt—the incurable portion—should be selected for this purpose; while the better portion should be left, to be reclaimed when detached from the force of evil counsel and evil example. They do not, it is true, propose to send them to the United States: this would be too bold a proposition; but it seems they have no objection to their finding their way hither. True to their own sentiments and unconquerable idleness, these paupers no sooner reach here than they cast themselves upon the public for support. Those acknowledging themselves to be pauper emigrants have been repeatedly found in the House of Industry in Boston, with the very money received from the parish concealed about them, and, in some instances, to prevent detection, sewed into their clothes. Out of 866 persons received into that place during the last year, 516 were foreigners; not all, by any means, of this class, nor is it possible to ascertain how many. In this way, Massachusetts disburses from her public treasury over fifty thousand dollars annually to relieve foreign paupers; and this but imperfectly meets the expense. She has attempted to modify the evil by countervailing legislation, by requiring bonds from the masters of vessels bringing foreign passengers, conditioned that for a given period they shall not become chargeable to the public. This, however, proves inadequate; for while her laws on this subject are more humane than some of the adjoining States, the emigrants will find their way into the Commonwealth. Many, doubtless, are sent out to the neighboring provinces, and thence come to us coastwise; others, perhaps, have or will enter by the Canada frontier, and penetrate to places where they can find the best provision for them. They have been detected in New York, as in Massachusetts.

Now, sir, is it just? Is it morally right for Great Britain to attempt to throw upon us this oppressive burden of sustaining her poor? Shall she be permitted to legislate them out of the kingdom, and to impose on us a tax for their support, without an effort on our part to countervail such a policy? Would it not be wronging our own virtuous poor to divide their bread with those who have no just or natural claims upon us? And above all, sir, shall we fold our arms and see this moral pestilence sent among us to poison the public mind and do irremediable mischief? Sir, I hope this country will always afford an asylum to the worthy and the oppressed of all classes and conditions; but humanity makes no

appeal to us to receive and cherish those who have no respect for virtue, morality, or themselves; those who are forced among us because they are too corrupt, debauched, and indolent to be tolerated in a country not over scrupulous in its morals.*

The subject, sir, merits consideration and further examination; and I move the printing of the resolution, and its reference to the Committee on Commerce.

The motion was agreed to.

TOBACCO TRADE.

The Senate having resumed the consideration of the following resolution, submitted some days ago by Mr. KENT, of Maryland:

Resolved, That the President of the United States be requested to open negotiations with the Government of France, as soon as the diplomatic intercourse between the two countries shall be renewed, for the purpose of placing our trade in tobacco with that country upon a more liberal footing than the existing system of administration "*en regie*" admits of, and corresponding better with the generous spirit exhibited heretofore, as well as at this time, by the United States, in reducing the duties on various products from that country.

And the question being on agreeing to the resolution,

Mr. KENT said he had been induced to offer the resotion just read, under the persuasion that the renewal of diplomatic intercourse between the two countries would be an auspicious moment to attempt to place our trade with France upon a footing of greater reciprocity than existed at present, in his estimation, especially as regards the article of tobacco, which, in amount shipped to foreign countries, exceeds that of any other agricultural product except cotton.

We (said Mr. K.) are importing very freely, indeed, the silks, wines, and brandies from France at this time almost free of duty. Our trade in those articles is every day increasing; and, low as the duties are at present, they will, under our existing laws regulating our tariff, be made still lower during the next four years. Under these favorable circumstances, all the productions of that country, at the head of which are the articles I have mentioned, are rapidly finding their way to us, and entering freely into our daily consumption; whilst the products of the United States, sent to France in exchange, increase but in a small degree, except the article of cotton. Tobacco, the growth of this country, is of a superior quality to that they are forced to grow in France, in consequence of the high duties imposed upon it; and could the Government of that country be induced to reciprocate the liberal spirit evinced on the part of the Government of the United States in our commercial regulations with her, and remove the restraints existing under her laws upon our tobacco trade, which are truly embarrassing and injurious to it, it would prove mutually beneficial. France could then advantageously discontinue its cultivation, and more of her products suitable to our consumption would be produced, and those much more congenial to her soil and the habits of her people than the culture of an inferior description of tobacco; whilst our citizens would be encouraged in their use by finding that, in doing so, they were extending their market for an article the growth of which had been long familiar to them, and which continued to employ a large capital in its production.

I presume, Mr. President, more capital is engaged at this time in the cultivation of tobacco than is employed in producing sugar and rice together.

In Austria the system of monopoly also exists, similar to that which prevails in France at this time. Under our existing commercial regulations with that country, liberal in every respect but as regards the article of tobacco, we rarely find a hogshead of tobacco from our country finding its way into an Austrian port; and it has only been latterly that the enterprising tobacco dealers of Bremen have been able to extend the quantity introduced into that country to a few thousand hogsheads.

In England, also, the duty is excessive.

I have submitted the resolution before you, Mr. President, and made these few remarks, that the attention of the executive department of the Government may be forcibly drawn to an important branch of our trade, at a moment when it appears we are about to introduce in the freest manner all foreign productions into our country.

Commerce consists of an exchange of commodities; and, unless those exchanges are reciprocal, it cannot continue long, or to any extent, beneficially. During the last three years, so far as our custom-house returns are a safe guide, our imports have exceeded our exports between sixty-eight and sixty-nine millions of dollars. I am aware that a large portion of this apparent balance, during a prosperous condition of our commerce, is absorbed by freights, commissions, and profits; but let a reverse occur, and our produce be sent to a declining market, and this balance against our exports is no longer nominal—it is real, and can only be discharged by exporting our specie to pay it.

The resolution I have submitted refers to a lucrative portion of our trade; one valuable from its amount as well as its importance to our shipping interest. From its bulky character, it requires a large portion of tonnage to transport it to market. Under these considerations, I hope it will receive the sanction of the Senate.

The resolution was then agreed to.

* Since making the above remarks, the following table has been furnished by a friend.—*Note by Mr. D.*

Names of parishes.	Counties.	Raised or borrowed in aid of emigration.	Number of persons who had emigrated.	To what places emigrated.
Hambledon,	Hants,	£300	28	Upper Canada.
Ingoldsthorpe,	Norfolk,	32	1	Do.
Great Ringstead,	Do.	260	27	Do.
Pewsey,	Wilts,	130	21	Do.
Stalbridge,	Dorset,	100	23	United States.
Sandercroft and Southelnam,	Suffolk,	35	9	Prince Edward's island.
Crimbish,	Essex,	80	22	Upper Canada.
Great Hallingbury,	Do.	50	5	Do.
Stansted, Mount Fitchet,	Do.	30	4	Do.
Renwick,	Cumberland,	25	9	Do.
Aldington,	Kent,	65	9	Do.
Chawton,	Southamp'n, N.B.	100	*6	Do.
Stanton, St. John,	Oxford,	40	4	Do.
Gapton,	Sussex,	140	12	Do.
Wisborough Green,	Do.	85	9	Do.
Heene,	Do.	100	10	Do.
Shipley,	Do.	600	63	36 U. Canada, 27 U. S.
Felpham,	Do.	250	42	Upper Canada.
Bepton,	Do.	111	13	Do.
19 parishes.	11 counties.	£2,473	320	

* What a cost! How miserable they must have been.

PUBLIC DEPOSITES.

The bill to regulate the deposites of the public moneys was taken up as the order of the day, when

Mr. WRIGHT submitted an amendment to the amendment submitted by him some days ago, changing that amendment so far as to provide that, whenever the money in the Treasury shall amount to seven millions and upwards, it shall be the duty of the Secretary of the Treasury to invest it in some stock of the States of this Union, bearing an interest of — per cent.

Mr. CALHOUN then submitted an amendment; which was ordered to be printed.

Mr. WRIGHT'S amendment was then ordered to be printed, and the bill was laid on the table; Mr. W. saying, in reply to a question asked by Mr. C., that he would call it up at the earliest opportunity that he could, without interfering with the appropriation bills.

HARBOR BILL.

The bill for the improvement of certain harbors, and for making certain surveys, was then taken up.

Mr. PORTER moved to amend the bill by inserting an appropriation for deepening the bar at, and keeping clear, the mouth of the Mississippi river.

After a debate, in which Messrs. PORTER, MANGUM, CALHOUN, DAVIS, LINN, EWING, and TOMLINSON took part,

Mr. CLAYTON moved to amend Mr. Porter's amendment, by providing that the Secretary of War shall first cause a survey to be made to ascertain the practicability of the work, and the best mode of doing it; and if, in his judgment, the object can be accomplished, he shall then apply $75,000 thus appropriated.

After some remarks from Messrs. DAVIS, BUCHANAN, PRESTON, SOUTHARD, and CLAYTON, the amendment was agreed to.

Mr. WALKER moved further to amend the bill by appropriating a sum not exceeding fifteen hundred dollars for surveying the channels of Pearl river and Pascagoula river in the State of Mississippi, near the mouths of said rivers, and ascertaining whether the existing obstructions in said channels can be removed, and the probable expense of removing such obstructions.

After some remarks from Messrs. CALHOUN, PRESTON, DAVIS, WALKER, and KING of Alabama, Mr. WALKER'S amendment was rejected—yeas 14, nays 20, as follows:

YEAS—Messrs. Benton, Black, Ewing of Illinois, Goldsborough, Hendricks, King of Alabama, Knight, Moore, Nicholas, Porter, Robinson, Tallmadge, Walker, Wall—14.

NAYS—Messrs. Buchanan, Calhoun, Clayton, Cuthbert, Davis, Ewing of Ohio, Hill, Leigh, Linn, Mangum, Naudain, Prentiss, Preston, Rives, Robbins, Southard, Swift, Tipton, Tomlinson, White—20.

Mr. HENDRICKS moved to amend the bill by inserting an appropriation of $5,000 for removing a ledge of rocks in the Ohio river below Shippingport; and after some remarks from Messrs. WALKER, BUCHANAN, and HENDRICKS, Mr. HENDRICKS'S amendment was rejected—yeas 10, nays 24, as follows:

YEAS—Messrs. Benton, Clayton, Ewing of Illinois, Ewing of Ohio, Hendricks, Nicholas, Porter, Robbins, Robinson, Wall—10.

NAYS—Messrs. Black, Buchanan, Calhoun, Cuthbert, Davis, Goldsborough, Hill, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, Mangum, Naudain, Prentiss, Preston, Rives, Southard, Swift, Tipton, Tomlinson, Walker, White—24.

Mr. LINN moved to amend the bill by inserting an appropriation of $1,200 for removing the obstructions in White river; which motion was agreed to without a division.

Mr. KING of Alabama moved to amend the bill by inserting an appropriation for the survey of the mouth of Dog river bar, in the bay of Mobile, to determine the practicability of deepening the bar; which motion was rejected.

Mr. KING then moved to strike out all the appropriations in the bill for specific appropriations, leaving the appropriations in gross for general surveys, at the discretion of the Secretary of War.

After some remarks from Messrs. KING of Alabama, LINN, WALL, and WALKER, Mr. KING'S amendment was rejected—yeas 12, nays 21, as follows:

YEAS—Messrs. Black, Calhoun, Hill, King of Alabama, King of Georgia, Leigh, Mangum, Preston, Rives, Robinson, Walker, White—12.

NAYS—Messrs. Benton, Clayton, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Linn, Naudain, Nicholas, Porter, Prentiss, Robbins, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall—21.

The bill was then ordered to be engrossed for a third reading—yeas 25, nays 9, as follows:

YEAS—Messrs. Benton, Buchanan, Clayton, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Kent, King of Alabama, Knight, Linn, Naudain, Nicholas, Porter, Prentiss, Robbins, Robinson, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall—25.

NAYS—Messrs. Black, Calhoun, Hill, King of Georgia, Leigh, Mangum, Preston, Rives, White—9.

After the consideration of executive business,

The Senate adjourned.

TUESDAY, MAY 3.

DEATH OF MR. MANNING.

A message was received from the House of Representatives, announcing the death of the honorable Richard J. Manning, a representative from the State of South Carolina.

The message having been read,

Mr. PRESTON rose, and addressed the Senate, in substance, as follows:

Mr. President: The message just read imposes upon me the customary duty of moving for the usual testimony of respect to the memory of my deceased colleague, the honorable RICHARD J. MANNING, of the House of Representatives; and never, sir, has such an official act been performed with deeper emotions than those under whose melancholy influence I rise on this occasion.

It is not fit that I should obtrude my private griefs upon the Senate, although I am well assured that its kindness would extend some indulgence to a friendship of a most intimate character, which, commencing in college companionship, has been unimpaired by the chances and changes of life, and undiminished even by party spirit, whose repulsive energy so often breaks asunder the strongest bonds of affection. For although, sir, it has so happened that we have been much and long opposed in politics, and although I have had much occasion to feel the adverse influence of his high character, there is not that man who loved him living, or mourns him dead, more than I do.

He was, indeed, Mr. President, of very noble nature. Endowed with all high and generous qualities; cool, bold, just, patient, and resolute; magnanimous in his whole tone of feeling and tenor of thought; totally exempt from all sordid or selfish propensities; of that prompt and patient benevolence to do or to suffer, which comes of natural impulse; educated into principle; unflinching in the performance of duty, but too kind in his nature to be stern; scrupulous in self-regulation, but generously indulgent to others. His father, a distin-

guished soldier of the Revolution, deeply inscribed upon his son's character the impress of that heroic period. Honor, courage, and devotion to country were hereditary and native to him; and these manly virtues were softened and made amiable by the kindliest affections of the heart, while over his whole character presided an exalted and fervent piety.

For many years, in various ways, he received distinguished testimonies of the affection and confidence of his native State. He served frequently in either branch of the Legislature, was Governor, and, at length, a representative in Congress.

In the prime of life, and in the vigor of manhood, he has died, as he lived—in the midst of his duties. Never, Mr. President, have the honors of the Senate been more worthily bestowed than upon the memory of Richard J. Manning, for which I invoke them, by offering the following resolution:

[The usual resolution, to wear crape on the left arm for thirty days, was then adopted.]

On motion of Mr. PRESTON, as an additional testimony of respect for the memory of the deceased,

The Senate then adjourned.

WEDNESDAY, MAY 4.

ZANESVILLE AND MAYSVILLE ROAD.

Mr. EWING of Ohio rose to present a petition, and prefaced the presentation with the following explanation:

I present some further memorials this morning on the subject of the Zanesville and Maysville road, and ask that they have the usual reference. Almost the whole population of the adjacent country has petitioned or is petitioning Congress in favor of that road, the very great importance of which I took occasion some time ago to explain, and which I believe is well understood throughout the United States. I regret that this subject has not been brought forward earlier in the session, so that we might have had time to act definitively upon it this year; but I fear it is now too late. Nevertheless, I would ask the Committee on Roads and Canals to give it their attention, and let us know whether, in their judgment, it merits the aid of the nation; and I must take leave to say that, if nothing can be concluded upon it now, it will be early presented and vigorously pressed at the next session of Congress.

The memorials were referred to the Committee on Roads and Canals.

DEFENCE OF THE FRONTIERS.

Mr. BENTON, from the Committee on Military Affairs, reported, with amendments, the bill from the House of Representatives to authorize the President of the United States to accept the services of volunteers for the defence of the frontiers, and moved that the Senate proceed to the consideration of that bill.

Mr. EWING of Ohio hoped that the amendments would be allowed to take the usual course, and lie for consideration; and that the land bill, which was the order for yesterday, would now be taken up and disposed of before any other subject should be taken up.

Mr. LINN said that, so far as he was concerned, no obstacle should be thrown in the way of the final action of the Senate on the land bill. In some remarks made by him some days since, when a motion was made to adjourn over from Friday to Tuesday, he had said that he could not vote for such an adjournment, knowing as he did the exposed state of the western frontier, and of the imminent danger that an Indian war would break out; and that he was anxious that business should progress rapidly, with a view to reach the bill to increase the army of the United States, which was of the utmost importance to the State he had the honor to represent. But as it was his intention to redeem every pledge made by him, expressed or implied, in this House or out of it, he would not impede, in any way, the decision on the land bill. Some observations had been made as to the great necessity of finally disposing of that bill, and the implied pledge to take it up to-day. He must be permitted to say, he saw no imperative reason for pushing it, to the delay of a measure providing for the protection of our citizens from Indian barbarities. He hoped gentlemen would consider the lives of our citizens of more value than the division of the surplus money. He could consider nothing more worthy their immediate attention than the protection of our frontiers, threatened, as they now had good reason to apprehend, with the greatest of dangers, and particularly as that frontier had been placed in its present critical attitude by the action of the Government, in throwing large masses of Indians on them, contrary to the wishes of the frontier States, and in defiance of the solemn protest of one of them. He asked the Senate to look at that frontier from north to south, and they would see a vast column of Indians, the base of which rested on Texas, now fighting for independence, and against which province the Mexicans were waging a war of extermination and perfidy. No Senator can turn his eye from this examination without being convinced that a train of the most inflammable materials is laid around our borders, ready at any moment to have a spark applied and light up the flame of war—of an Indian war—of all others the most appalling. There is a moral obligation imposed on the Government of not only effectually protecting this frontier, but to preserve its tranquillity, which could not, under any circumstances, be got over. He was under a sort of pledge not to oppose a speedy decision of the land bill, but he hoped gentlemen would not consider it of as much importance as the measure now pressed on the consideration of the Senate by his honorable colleague.

Mr. PRESTON stated that the amendments proposed the addition of a regiment of dragoons, and also a considerable augmentation of the army. It was suggested that strange occurrences had taken place on our frontier; that an army, flushed with conquest, and rendered furious from the taste of blood, was rapidly approaching our frontier. Rumors of this character were well calculated to produce a certain degree of anxiety in the bosoms of American citizens. His own imagination had been startled—his feelings deeply pained; he had been sensible even of something of indignation at the rumors of outrages appalling to humanity, which had reached him. His feelings had been roused; our countrymen, our friends, our relatives, massacred in cold blood, and, as report says, in violation of every sort of pledge—massacred after surrendering to a powerful force, acting under an able military commander. But the rumors went still further. It was said that there had been negotiations with the Indians on the frontier, for the purpose of enlisting their hostility against our citizens on the frontier. True, there was no other foundation for those statements but these rumors, and these rumors were in themselves contradictory. Gentlemen, who are well versed in the geography of the country, had been unable to trace the operations on the map. The whole was a mass of great confusion. We are all possessed with some vague ideas that something horrible has happened. In this state of things, perplexed by vague and general rumors, we are presented with a case of possible necessity, to urge us to hasten a measure, in reference to which it seems to be particularly desirable that the Senate should have the most exact information on the subject. There may be gentlemen who had better information than he had, and, if so, they should come forward and communicate it.

Rumor says that a distinguished officer, a major general in the American army, on the frontiers, has made a call on the Executives of three States for a force of militia, and that the militia, to the number of seven thousand, have been embodied. It is supposed that a still stronger measure will become necessary, and that the executive arm will have to be extended before a more tranquil state of things can be produced. He was as willing as his friend [Mr. LINN] to protect the frontier. He was as ready to go as far, whenever the exigencies of circumstances should require it; but he hoped that gentlemen would not suffer their feelings to be excited and urged beyond what the law of nations would justify. He hoped that gentlemen would concur with him in opinion that they did not come here to indulge private and personal feelings, but to shape their course so as to insure the greatest advantages to those whom they represented. He could not sit down without saying that his feelings had been pained, and he would repeat that he was ready to go as far as his friend from Missouri to protect the frontier, and, in all circumstances, to go as far as he would in doing that which was right. He hoped that some gentleman would take the necessary steps to obtain the information so much desired on the subject. As a member of the Military Committee, he would be glad that all possible information should be before the Senate, and that the measure should not be pressed until that information should be obtained. He did not come into the Senate to-day prepared to go into this question. He should be ready at any time to go into the consideration of the subject, but he thought the best course now was to dispose of the land bill, and afterwards to consider this bill.

Mr. CLAY said, the proposition, if he understood it, was to take up a military bill from the House, passed this morning, providing for an increase of the army, and authorizing the calling out of ten thousand volunteers. Every Senator here was undoubtedly as willing as the gentleman from South Carolina to do whatever the honor, interest, and tranquillity of the country required to be done. But he must see a very different state of things from any that had as yet presented itself, before he should be willing to interrupt the pacific relations of the Government, and precipitate it into a war with Mexico. If there was a cause—a just and righteous cause—for such a step, he trusted we should act promptly and manfully; but, as yet, we had but rumors of the inhuman scenes which were said to have been enacted. As yet, so far as respected this country, there was no ground for engaging in hostilities with any foreign power. It was not yet the proper time to go into the consideration of this subject. It should be taken up deliberately, and with all the information that could possibly be obtained. It was proposed to augment the military force of the country; and it was proper to consider by how large a number of men, and of officers capable of commanding them. Perhaps an increase of both was necessary; but, without a great and controlling necessity, there should be an increase of neither.

He came into the Senate this morning under the full expectation that a final disposition would be made of the land bill, before proceeding to the consideration of any other subject. There was time enough to look into this measure. There was no particular urgency for considering it at this moment. He had been told that we had lately at Tampa Bay seven thousand men engaged in a contest with six or seven hundred miserable Indians: these we had neither conquered nor found; and unless we could show a somewhat better capacity for war, we had better refrain from engaging in one.

If Santa Anna should commence hostilities with us, if he should invade our frontier—and he had, as yet, shown no such intention—what was to prevent our transporting this force from Tampa Bay to the Sabine, to prevent any violation of neutrality and of existing treaties in that quarter? But, unless there was an actual or threatened invasion, we were not called upon for any active measures. At any rate, we wanted information. Has no communication been made to our Government from that of Mexico? No assurances been given that existing treaties would be respected? If so, let us have them. A call, in his opinion, would not fail to bring us such facts as would, in a great measure, quiet the public apprehension. He had risen, however, for the sole purpose of saying, that when a final vote was expected on the land bill to-day, he was unwilling to have that measure put aside, as it had been repeatedly, and that, too, in a very unusual and unparliamentary manner. He hoped the Senate would proceed to its consideration.

Mr. BENTON, in support of his motion to take up the act from the House of Representatives for increasing the military force, deprecated the effect which the land distribution bill had upon the public mind. It was a bill which met every thing, opposed every thing, and defeated many things. It was the pestilence of legislation. It was found in conflict with every bill that proposed to appropriate a dollar for the service of the country, and every bill must give way before it. The Cumberland road bill was the first sacrifice; and after seeing the fate of that bill, nothing could be wondered at. That road, for every beneficial purpose, was now stopped; for who cared about grading a road between the Wabash and the Mississippi, where there was not a solitary hill to be crossed? The solid construction of the road is negatived; the appropriation for the present year is cut down; months were consumed in opposing it; and half the season for doing work is now gone by. This road, then, the oldest and most cherished work of the Government, was put down; it was the first sacrifice to the devouring spirit of the distribution bill, and the forerunner to the fate of others. He repeated, this bill was the pestilence of legislation. It was to the business of the Senate what the curse of the frogs was in Egypt; it is in the way of every thing; it is found every where, like those pestilential frogs which encumbered and defiled the whole household—tables, beds, kneading-troughs, and all. The fortification bill had to yield to it; the army bill may now share the same fate; and, if this is the effect at the outset, what is to be the effect in the end? If this insatiate spirit of distribution can postpone, set aside, and defeat the bills for the defence of the country and the support of the Government, while yet in its infancy, what will it not do in its manhood? It will take all to itself; it will reduce the general Government to its condition during the confederation; it will reduce it, if not to the voluntary contributions, to the voluntary leavings of the States. They will be served first, and what is left may go to the general Government; and, from the manner in which this spirit cuts and carves for itself now, it may well be seen that nothing will be left for the federal Government. It may be in vain that some members may wish to vote first for the federal Government; the distributees will be served first, and instructions from home will overrule wishes here. Members of Congress will be instructed—if States once begin to receive dividends from the federal Treasury, they will be instructed to supply the States first, and to take the lion's share for their State Governments.

We have been told of an arrangement, (said Mr. B.,) by virtue of which this distribution bill was to take precedence over all business, until it was finished. He (Mr. B.) was privy to no such arrangement. He had, in the face of the Senate, refused to enter into any such arrangement, and had declared himself ready to sit all night. But why mention arrangements, since the time

that the formal agreement to act upon the executive nominations had been annulled by the votes of those who were brought up, not to vote upon nominations, as agreed upon, but to vote against going into executive business at all?

Mr. B. repelled the idea thrown out by the Senator from Kentucky, [Mr. CLAY,] that this bill for raising volunteers, and increasing the army, was a war measure against Mexico. So far from it, that Mexico was not even thought of when it originated. It originated three months ago, on motions from Senators on this floor--his colleague [Mr. LINN] and a Senator from Indiana [Mr. TIPTON]--calling on the executive Government for plans for an increase of the military force--calls which were answered two months ago, and a bill reported six weeks ago. Far from looking to Mexico, it did not even look to the Texan frontier. It was not a measure of southwestern, but of northwestern origin, called for by the state of things on the western and northwestern frontier, and wholly independent of events in Texas. These events might well be quoted, to accelerate the progress of the bill, but not to account for its origin, or to determine its fate. Above all, the bill was not to be prejudiced by an assumption or representation that it was a preparation for a Mexican war.

Mr. B. thought it right to notice the contemptuous terms in which the war, and the conduct of the war in Florida, had been mentioned by the Senator from Kentucky, [Mr. CLAY.] It was called a miserable war, miserably conducted. It was due to the hundred and twelve brave men, under Major Dade, who fell on the ground on which they stood--who died in their tracks--no officer quitting his soldiers, no soldier quitting his officer--and whose unburied bodies remained a prey to wolves and vultures--it was due to their memory to speak respectfully of them in this chamber. It was due to the New Orleans regiment and their accomplished commander, Colonel Smith, who had volunteered for a distant and arduous service, not to undervalue or disparage their exertions. No body of men could show more zeal, constancy, and cheerfulness, under the most trying circumstances. Leaving a luxurious city, they had gone to encounter danger, to endure privations, to suffer want, to feed on food not fit for man, and to volunteer for new toils and dangers as fast as the fatigues of the first were over. Courage was their birthright and inheritance, and bravery they were expected to show; but this steadiness, perseverance, zeal, and cheerfulness, under every extremity of hunger and suffering, was a new trait in the volunteers of a great city, accustomed to every luxury and to every delicacy of the South, and entitled them to more honor than victories alone could confer. Besides these, many were the brave and devoted acts which did honor to our arms in this war, and which should exempt our arms from contemptuous allusion on this floor. Officers were there, whose reputation formed a part of the riches of their country; and the difficulties of their position should be considered. They were on a theatre, where the unseen enemy could deliver a deadly fire and elude pursuit. It was a case in which the difficulty was, not to conquer, but to catch.

Mr. B. had been drawn from his immediate subject to speak of events in Florida, because he felt it to be wrong to permit unjust aspersions upon those there to go out from this chamber, and because his position as chairman of the Military Committee, and his connexion with the debate, made it proper for him to say a word in their vindication. He returned to his own bill, and to the reasons which required him to press its adoption. It was not a measure against Mexico. It was no preparation for war with Mexico. It was simply a measure of defence, originating before the invasion of Texas, and rendered necessary by the act of the Government in accumulating an Indian population of 250,000 souls, yielding a force of 50,000 warriors, within striking distance of the western and northwestern frontiers, and which frontiers were now naked and defenceless. Still, the state of things on the Texas frontier was not to be disregarded. The position of General Gaines, the possible contingencies in the excitement of the Indians, the scenes which might occur on our line, were all to be considered; and his imagination could conceive of cases in which the heart alone should be obeyed—in which there should be no head to think—nothing but a heart to feel and an arm to strike. It was the case of women and children pursued by a brutal and ruffian soldiery.

Mr. B. said the Florida war now rages; the southwestern frontier is exposed to the contagion of hostilities; the whole west and northwest is open to savage incursion; troops are called for by a General in the field; the public mind is anxious, uneasy, excited, everywhere. Yet what is the scene in the Senate? What occupies our thoughts in this chamber? The surplus, the surplus, the surplus! Distribution of money, division of the spoil, is the absorbing and engrossing subject; and until that is disposed of, our suffering country calls in vain for help. He had read of such things in history, but never expected to witness them. He had read of parties in some free States contending for pre-eminence and for spoil, while the enemy were thundering at the gates, but he had not expected to see the American Senate engrossed with the bill for the division of money, while all the bills for the defence of the country were pushed aside, and the Governors of States appealed to for the forces which it was the duty of Congress to grant. His motion was to test this spirit—to see which was to have the preference, the defence of the country or the division of money; and for that purpose he asked for the yeas and nays on his motion.

Mr. PORTER said he regretted extremely this discussion, as hours, nay minutes, had become precious, if we hoped to go through the great mass of business which had been prepared for the action of Congress. There had been as much debate on the precedence bills were entitled to, as was sufficient to pass one of them or reject it. He hoped we would continue to act on the bill which was made the special order of the day, until it was finally disposed of. That now proposed by the Senator from Missouri had his approbation; and, without pledging himself to all its details, he believed it would have his vote. Being friendly to it, he thought it was injuring its chance of adoption to press it on for discussion and decision, without affording time for a proper examination of its provisions. That proper examination need not be a long one.

Mr. P. said he was compelled to dissent from what had fallen from the honorable Senator from Kentucky in relation to our military force. He (Mr. P.) thought it ought to be augmented. Its numbers were not greater now than they were ten years ago, and since that time our population had vastly increased; our frontier had extended in the same space of time in a still greater proportion, and was necessarily weakened as it was enlarged. Another circumstance called for an augmentation of our army. Within a very few years (under a policy which Mr. P. said he should ever deplore) an immense body of Indians had been removed from the east side of the Mississippi, and thrown on the frontiers of Louisiana, Arkansas, and Missouri. In their original location they were circled on every side by a white population, which ensured their good conduct, and restrained their propensity to war. They were now placed on an extended frontier, thinly settled, where, from causes he should not enlarge on, because they were obvious, a military force was indispensable to give security to our

borders. Not less, he believed, than 250,000 Indians were now located between the west of the Mississippi and the Rocky mountains, who, from ignorance and the influence of passions which constantly agitate man in a savage state, were liable to be excited to hostilities, ruinous to themselves in the end, but destructive to the borders exposed to their first outbreak. It was humanity, therefore, as well as true economy, to place a force on our frontiers which would hold them in check, and be ready to crush their first movements.

There was another element to be taken into the estimate we should make of the proposed measure, which had been glanced at in the debate, and which could not be properly disregarded. He alluded to the events daily transpiring on the western boundary of Louisiana. By the last intelligence received from that quarter, it appeared that the war which had for some time raged in one of the Mexican provinces was about to be brought close to ourselves. The inhabitants of Texas were flying from their country, and taking refuge within the State of Louisiana, and their enemies, flushed with victory, were close and hot in their pursuit. He did not believe the Mexican troops would cross the Sabine and violate our territory. If Santa Anna had the wisdom and ability which his friends long since, and his enemies lately, gave him credit for, he would cautiously abstain from any such step. His true interests prompted him to respect our neutrality. He (Mr. P.) believed he would be governed by these interests. But, while he believed it, it was impossible to shut our eyes to the danger of collision between the troops of the United States now on the Sabine, and those of Mexico. The people of this country had become painfully excited by the intelligence which had reached them of the war of extermination carried on in Texas. That excitement had been communicated to our troops; it required only a spark to put the combustible materials now on our frontier in a flame, and he was afraid it would soon be furnished.

It had been said that our officers there should have hearts and arms, but no heads; that is, that they should yield themselves up to the influence of their feelings, however their judgment might reprove the measures those feelings prompted them to. He had a better hope of their wisdom and prudence. A heavy responsibility rested on them. If, under the influence of passion, they involved the nation in war, they would have a severe account to render for their actions; and more especially if, at this moment, when the forces stationed on the frontiers of the State of Louisiana might be inadequate to its defence, they should, in their sympathy for Texas, draw the war into that State, he knew of no terms of reprehension too strong for such conduct. With all possible consideration for the inhabitants of Texas, and deep and sincere regret for the condition to which they were reduced, he could not help thinking that the citizens of Louisiana who had remained within their country had the first claim on the attention and protection of the federal Government and the federal army. He hoped and believed this view of the matter was taken by the President, however it might be disregarded elsewhere; and that orders had been sent to the commanding officers not to compromit the safety of the State he had the honor in part to represent.

But, apart from all considerations of prudence and safety, there were the higher ones of justice, which forbade our intermeddling in this contest. We were acting under the eye of the civilized world. It had heretofore been our boast and our pride that we faithfully maintained all our treaties, in letter and in spirit. He trusted that, under no impulses, however praiseworthy, would we leave the vantage ground we had so long and so honorably occupied, and expose ourselves to the imputation of considering compacts binding only so long as it suited our convenience and our interest. We were the oldest independent nation on the American continent; we were the strongest, too. It behooved us to aspire after the truest glory which a nation can acquire—to exhibit the example of power restrained by justice, and ambition directed, not to subjugate our neighbors, but to improve and to elevate them.

He believed these sentiments were those of the large mass of the American people, but there was danger that they might be forgotten under the excitement of generous feelings. He respected these feelings; he shared in them; but he felt it to be his duty, in the place he occupied, to submit them to the control of his reason and his judgment, and, if possible, to induce others to do the same. No one had heard with deeper regret than himself the intelligence of the dreadful massacres which had taken place in Texas. It was possible the statements were exaggerated. He hoped they were so. But, if true, they were disgraceful to the perpetrators. The people of Texas, whether right or wrong in their attempt at independence, had done nothing to place them out of the pale of civilization; and if it were true that a body of them, after capitulation as prisoners of war, had been basely shot in cold blood, their murderers should be held up to the common execration of mankind. He (Mr. P.) would rather have been one of the gallant, though misguided, men who perished on that occasion, than the ruthless despot by whose orders they were assassinated.

But giving to these feelings their full scope, he could not see in this and other inhuman acts cause for war by the United States against Mexico. We should never be an hour at peace if we set out on a crusade to punish all the cruel deeds which were committed in the world. Their proximity to us, and their being inflicted on men of kindred blood, could not change or enlarge our obligations. In abandoning their own country, and becoming citizens of another, they had placed themselves, in relation to that left, as strangers, so far as claims for national interference were concerned. We had no more right to make war because they had been unjustly treated by the Power to which they had attached themselves, than we had to intermeddle in the contests between the natives of the old States of Mexico.

Our unfortunate countrymen who settled in that portion of Mexico which is now the theatre of war, knew well what kind of people they were going among. In all periods of history, the Spanish race have been distinguished for cruelty in their civil wars; extending no quarter, and sparing neither sex nor age. The scenes now daily enacted in old Spain, of which accounts reach us every day, exhibit the same brutal ferocity and disregard of all the claims of humanity as those lately perpetrated by their descendants in Texas. Those which took place in South America, some years since, were, if possible, more frightful and revolting to humanity. We did not then throw ourselves into the conflict, and he trusted we would not now. A war for revenge he deprecated, as he did one for conquest. He saw, as yet, no just cause for expending our blood and our treasure, and he hoped that all who had a voice in the councils of the nation would aid in preserving our neutrality.

Mr. PRESTON said he was misapprehended, if it was supposed he wished to press the consideration of this matter now. He wished merely to draw the attention of the Senate to it, and he had succeeded in so doing. The final action upon it might easily be deferred for a day or two. We had rumors, to be sure, but he saw nothing in them to justify any act of extraordinary vigilance on our part. We need not operate defensively or on the offensive at present. Santa Anna had done enough to curdle our blood, and shock our sensibilities, but not enough to justify any warlike preparation. He

would wish to know, however, why General Gaines had made this requisition for more men. It had been stated that the Government were in possession of all the facts; but he could not think so. He does not intend to rush down at once upon the Mexican leader—considering him as a monster out of the pale of humanity. Such could not be his intention. Was there not something else? Had not a communication from Santa Anna to the Camanche Indians been intercepted? If so, the President is in possession of the fact. We cannot interfere in Texas: it is beyond our reach. But if this ruthless desolator of that province has instigated the Indians to cross the frontier and descend upon our settlements, we should hold him responsible for every drop of blood that may be shed. If such a movement is contemplated —if it is taking place—then, after the necessary information, let the Senate act. He agreed with the Senator from Louisiana that an increase of our military was necessary.

Mr. BENTON felt himself called upon to take the floor again, and to protest against the erroneous character which gentlemen were attributing to this bill. There seemed to be a design to get up a new panic—a war panic—and, having lost the chance of the French war panic, to try to get up a Mexican war panic. We could hear of nothing but of the dangers of war, and the duties of neutrality; as if this bill was to make war and to violate neutrality. People at a distance might be excited by this new panic, as they had been by so many former ones; for it seemed that panic tactics was the standing order of the day now, and that all attempts to influence the public mind were to be directed, not to the understandings, but to the terrors of the people. Persons at a distance may be excited by this fresh ghost of a panic; but every person here knew, and the bills and reports upon the tables showed the fact, that this plan for increasing the army grew out of the state of our own affairs; that it was a northwestern, and not a southwestern measure; and that it was begun before General Gaines had gone to the Texas frontier, and before Santa Anna had left the capital of Montezuma. All this was known here; still, people at a distance might be induced to believe that the proposed increase of the army was to cover a premeditated design to make war upon Mexico and to violate the laws of neutrality. This they might be made to believe, and thereby be excited against the administration; but it should not be so without being told better. They should know that the 250,000 Indians accumulated upon the western and northwestern frontier was the origin of the movement, and the Texan difficulties nothing but an incident.

General Gaines's letter, calling on the Governors of States for volunteers, was only published in this city on yesterday; the bill which he moved to take up was reported six weeks ago, and originated under a resolution adopted on the 2d of February. This statement should satisfy everybody—should dispel the panic attempted to be got up—and show that the defence of our borders and the preservation of our neutrality were the sole objects in view. General Gaines has reason to believe that our Indians have been tampered with; he communicates what he has heard to the Government here, and to the Governors of the neighboring States; and while these circumstances justify him in calling for volunteers, yet if it all turns out to be unfounded, if Texas is pacified, and Santa Anna returns, still we shall go on with our bill. We shall go on demanding an increased force upon our frontiers, and, if we cannot get it from the general Government, the citizens will have to take measures to protect themselves. Fifty thousand Indian warriors within striking distance of our frontiers cannot be an object of indifference or disregard to us.

Here is another evil from this scheme of dividing surplus revenue. To save the money for distribution, it is necessary to attack the objects to which it ought to be applied; and, where the object cannot be attacked, to substitute an erroneous one for it. To save the surplus, then, for division, is the cause of this attempt to raise a panic about the violation of neutrality and the invasion of Mexico. But the boasted surplus is itself an illusion, a mere temporary stoppage of money in the Treasury, which ought long since to have been in a course of expenditure. Almost every branch of the public service was suffering for want of money; many branches of the service were suspended entirely for want of money. The fortifications have been stopped for two seasons. The mint is languishing for want of means to perfect some machinery. The Quartermaster's Department—that most important branch of service at all times, and especially at this time, when supplies should go to two frontiers—that Department is without a dollar. Clerks and salaried officers are borrowing money at usury to support their families, because they cannot draw their pay. More than that; workmen, day laborers in the service of the United States, are without the means of going to market. He (Mr. B.) had been informed of laboring men, working for the United States, who had not had meat on their tables for three weeks. They could not draw their pay; and why not? Because politicians had taken it into their heads to make a surplus, and for that purpose had stopped all the appropriation bills, and dammed up the money in the Treasury, to make a tempting mass for distribution, and dubbed it surplus; when the fact was, it was no surplus, but a mere temporary accumulation caused by the delay of the appropriation bills, and much of it long since due.

The holy scriptures (Mr. B. said) contained a curse against those who did not pay the laborer his hire; and what are we to say of politicians who, to tempt the people with an illusory distribution, are stopping the action of the Government, preventing the laborer from being paid, and claiming for distribution what ought to be in a course of expenditure? When the appropriation bills are passed—and they cannot be delayed long—it will be seen that every dollar of this boasted surplus will be wanted for the public service, and that the public have been the dupes of a pernicious deception, in being told that there were more than thirty millions which could not be expended, and therefore must be divided. And this was the secret (Mr. B. said) of the extraordinary process of passing the distribution bill first; it could not be passed, if it waited till the appropriations were made; for then it would be seen that the inexhaustible surplus was all gone.

Mr. BUCHANAN wished to say a few words on this question. He had no doubt but that the Government of the United States, in regard to Mexico, had pursued, and would pursue, the course which had been sanctioned by all its experience in relation to questions of this kind. One principle had been established in the political history of the country; had grown with its growth, and strengthened with its strength; and, without knowing what the President had done or would do in this matter, he had no doubt but he would strictly adhere to that established principle in our institutions, never to interfere with the internal policy or domestic concerns of foreign nations. The famous proclamation of neutrality of General Washington first asserted that principle, and to it our Government had always adhered. We consider (said Mr. B.) all nations "enemies in war, and in peace, friends."

In regard to Mexico, he looked upon Santa Anna as a usurper. The federal constitution, established for the republic of Mexico, and which Texas, as a part of that republic, had sworn to support, had been trampled on by him; and Texas, in his eyes, and in the eyes of all

mankind, was justified in rebelling against him. Whether the Texans acted consistently with a true policy at the time, in declaring their independence, he should not discuss, nor should he decide; but, as a man, and an American, he should be rejoiced to see them successful in maintaining their liberties, and he trusted in God they would be so. He would, however, leave them to rely on their own bravery, with every hope and prayer that the God of battles would shield them with his protection.

If Santa Anna excited the Indians within our territory to deeds of massacre and blood; if he should excite a spirit among them which he cannot restrain; and if, in consequence, the blood of our women and children on the frontiers shall flow, he undoubtedly ought to be held responsible. Mr. B. saw a strong necessity for sending a force to the frontiers, not only to restrain the natural disposition of the Indians to deeds of violence, but because they could place no confidence in a man who had so little command of his temper, who had shown so cruel and sanguinary a disposition as Santa Anna had. He was for having a force speedily sent to that frontier, and a force of mounted men or dragoons, as suggested by the Senator from Missouri, [Mr. LINN;] but he was against interfering in the war now raging in Texas, unless an attack should be made on us.

If it was left for him to decide which bill a preference should be given to by the Senate, he would first take up the bill providing for this additional force for the protection of the frontiers; but he had been instructed by an authority which he was bound to respect and obey, and he must therefore vote to take up the land bill. He should vote with the warmest friends of that bill in its favor, till it was either carried through or defeated. To-day or to-morrow the land bill would be finally disposed of; it now stood in the way of every thing else; and he would then be for proceeding with the appropriation bills as rapidly as possible. He should have said nothing about instructions, had not this question of preference been brought up. After the decision of the land bill, he should give his hearty support to carry through the bills necessary for the defence of the country, with as much expedition as possible.

Mr. CLAYTON stated that he should vote for the land bill in preference to this bill, because the former would have still to pass the other House, while the bill now asked to be considered had passed that House. As far as he had seen of this bill, he was favorably disposed towards it. But he was desirous to have a day or two to consider of the amendments. He did not wish it to be said of him that he had thrown any difficulty in the way of the public defence, and he only desired so much delay as would enable him to become acquainted with the character of the amendments.

Mr. LINN said that gentlemen were much mistaken in supposing that this proposition to increase the army grew out of a desire to increase unnecessarily the expenditures of the Government, or out of the state of affairs in Texas, or with a view to a war with Mexico. It was a calm, deliberate proposition of his own, resulting from his knowledge of Indian character, and the dangers to which his constituents were exposed. He had consulted the Secretary of War, and many of his friends, on this subject, and on the 2d of February he introduced the following resolutions.

1. "*Resolved*, That the Secretary at War inform the Senate what number of Indians now occupy the frontier on the southwest, west, north, and the northeast of the United States, and what number it is probable will be transferred from the States and Territories to the frontiers of the United States.

2. "*Resolved*, That the Secretary at War also inform the Senate whether, in his opinion, the present military force of the United States is sufficient to guard the fortifications on the seaboard, and at the same time give protection to the inhabitants residing in the States and Territories bordering on the Indian frontier; if not, what force will, in his opinion, be necessary to such protection."

In reply to this call, the Secretary at War returned an interesting and elaborate reply, on the 8th of March. He was decidedly of opinion that great danger existed from the Indians to the frontier States, and that it was the duty of Congress to protect them against aggressions, by having an adequate force stationed there, sufficient to look down opposition, and prevent bloodshed. He said he felt deeply for the Texans; and, great as the calamities of war were, he almost desired that Mexico would give us sufficient reason to embark in one; and he was not sure but they had placed themselves out of the pale of law by the assassination of Colonel Fannin and his followers.

The question was then taken, and the motion of Mr. BENTON was negatived.

LAND BILL.

The bill to appropriate for a limited time the proceeds of the sales of the public lands among the States, and to grant land to certain States, was taken up; when Messrs. WRIGHT and BENTON severally addressed the Senate in speeches of some length in opposition to the bill; after which the question was taken, "Shall this bill pass?" and it was decided in the affirmative: Yeas 25, nays 20, as follows:

YEAS—Messrs. Black, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—25.

NAYS—Messrs. Benton, Calhoun, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Morris, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wright—20.

The Senate then adjourned.

THURSDAY, MAY 5.

LAND BILL.

Mr. EWING rose to move a correction of the Journal of yesterday's proceedings. He observed, on hearing it read by the Secretary, that the yeas and nays on the final passage of the land bill were stated to have been ordered on his motion. Now, as he made no such motion, he wished the Journal to be so corrected that the yeas and nays might not appear to have been ordered at his instance.

Mr. HUBBARD felt confident that the yeas and nays were ordered, but on whose motion he would not pretend to say. He was under the impression that they were ordered shortly after the bill was ordered to be engrossed for a third reading.

Mr. CLAY believed that the yeas and nays were not called for, but were taken under an impression that they had been ordered. He was certain, at all events, that they were not ordered on the motion of his friend from Ohio, who, he was certain, had reasons, as well as himself, for not calling for them, in reference to a gentleman opposed to the bill, who was absent.

Mr. WEBSTER suggested that the correction could be made by striking out the words "on motion by Mr. EWING," so as to let it appear on the Journal that the yeas and nays were ordered by one fifth of the members present.

The correction, as proposed by Mr. EWING, was then ordered.

DUTIES ON HEMP.

The following resolution, offered yesterday by Mr. CLAY, was taken up for consideration:

Resolved, That the Committee on Manufactures be directed to inquire into the expediency of so amending the existing laws as to subject all hemp exported into the United States from any place whatsoever, to the same duty as Russian hemp may be liable to pay for the time being.

Mr. CLAY stated that there was in the course of trade a habit of introducing Bengal hemp, and some other kinds under different denominations, free from duty, according to a construction (and, as he thought, an erroneous one) of the Secretary of the Treasury. He wished to guard against this evasion of the laws, and have it subjected to the same duties that Russian hemp was. It came into competition with the flax and manufactured hemp of this country; whereas that of Russia, so far as the rigging of vessels was concerned, did not interfere with our dew-rotted hemp: because this last, not absorbing tar, and from other causes, was not calculated for rigging.

A measure had been proposed for allowing a drawback upon Russian hemp when exported to foreign countries. Though he came from a hemp-growing section, he should offer no objection to it: on the contrary, he would give it his vote. His only object in rising, however, was to ask for a consideration of this resolution now, to prevent any further evasion of existing laws.

Mr. WALKER expressed a hope that it would be put on record that the day after the Senator from Kentucky and his friends had obtained their victory, in the passage of the land bill, that Senator had offered a resolution to increase the tariff. He did not intend to oppose the resolution of inquiry, but he wished the fact to be placed on record.

Mr. CLAY replied that he had no objection to have the fact recorded in any book of record whatever, provided that, when recorded, no motion should afterwards be entertained for expunging it. He wished also to have the fact accurately stated. This proposition was not made, as stated by the Senator from Mississippi, on the day after the passage of the land bill. It was made yesterday—on the very day of the passage of that measure; and it came up now in the regular course of business. Neither is it true that it is a proposition to increase the duties; it is merely to prevent an evasion of existing laws. Whenever it should come up for discussion, he should be happy to listen to the arguments of the gentleman against its expediency, and should no doubt be convinced by them. He would advise that Senator, however, and those who acted with him, if they wished to avoid an increase of the tariff, to stop where they were; to make no more extravagant appropriations; to pursue no longer the course they had adopted. Ten millions for the Navy, and fifteen millions for the War Department! Did any one believe that an augmentation of the tariff was not inevitable, if this wasteful expenditure was countenanced and sustained? Let the gentleman and those who, with him, have the power, remove the public treasure from these miserable deposite banks. By following his advice, wholesome as it was, they might remove the causes of their real or pretended alarm. He did not expect any discussion, however, on the adoption of a mere resolution of inquiry, much less to be called upon to reply to a charge of this kind.

Mr. WALKER said it was his opinion, when he made his former remarks, that the resolution of the Senator from Kentucky had been offered this morning; but whether the fact was so or not, it had no bearing on his observations: still the resolution had been offered after the victory had been obtained by the friends of the land bill, because that victory was achieved when the question on the engrossment of the bill was carried. The fact was now allowed by the Senator from Kentucky, that an increase of the tariff was inevitable, unless we abandon the fortifications--unless we abandon the constitution and the defences of the country. If we are to be involved in a war, our soldiers must march to an undefended frontier to shed their blood, instead of having the assistance of fortifications, by which blood would be saved. He denied that there was any such sum appropriated for defences as by the land bill, which gave thirty or forty millions away; the first fourteen millions to be drawn out on the 1st of July, which would have a greater tendency to render an increase of the tariff necessary than the operation of the land bill, which threw the Government for its resources on the tariff alone. Since the land bill had passed, it would be necessary to increase the tariff. If this was a mere evasion of the law, there could be no legislation necessary: the duties could be recovered by process of law. We shall hear more of these evasions, if we adopt this resolution, and act according to its spirit. This is the plan by which the tariff is to be increased. We shall have evasions on sugar, evasions on every article of produce. There is another measure, also, which is to be carried into effect by means of the land bill. These miserable banks, as the Senator calls them, are to be put down. If the people can be made to believe that the money is unsafe in these banks, the effect will be to bring about that very insolvency which is foretold. On the 1st of July, fourteen millions are required by the land bill to be drawn out of the Treasury; and a distrust is to be scattered among the people, which will tend to put down these banks.

Mr. CLAY said he regretted being called upon to say one word more. He did not know to what he was indebted for the honor—an honor very often tendered him—of being replied to and opposed by the Senator from Mississippi. He will, for the future, however, allow me to use my own language, and not put words into my mouth which I have not used. He had made no avowal of a wish or intention to increase the tariff; he had merely said that, in the contingency of such an extravagant course being continued in, such an increase would inevitably take place.

If, however, the affairs of this Government were wisely administered, there would be no necessity of augmenting the existing duties; on the contrary, a reduction in them might very properly take place. We were told by one of the wisest of the numerous wise heads that have been in the Treasury, that fifteen millions per annum was required for our current wants; and now seventeen millions was proposed by the Senator from New York. Nor was that all. Lieutenants in the army, subaltern officers, and others, had offered their suggestions; and thirty or forty millions was to be appropriated for the defences of the country! Magical words! Who was not anxious for the safety of the country? But were we to be thus deceived? In England, at this very moment, there was no city of consequence—neither Liverpool, Manchester, Birmingham, nor York—which was fortified, or had even the appearance of a fort. And why? Because they trusted to their navy for the preservation of the great interests of that country.

Gentlemen, however, were not satisfied with an appropriation of ten millions for the navy; they wanted the whole line of coast fortified, so that, as his colleague had observed the other day, gun for gun might be heard from one extremity of the coast to the other--a measure got up and advocated for the one and only purpose of preserving in these deposite banks, and keeping from distribution, the public money--money which belonged to the country at large, and for which, if a demand was made, the consequence would be a failure to meet it.]]

He regretted exceedingly, and knew not why it was, that the gentleman from Mississippi had assumed this *an-tag-o-nis-ti-cal* (he believed that was the fashionable phrase) position towards him. He was willing, at all times, and on all occasions, to acknowledge his own inferiority to that gentleman. The triumph was his. Let him be at ease, then; and when he quoted other avowals, quote this also.

Mr. WALKER replied that he had only a single remark to made, and that merely in reference to the concluding observations of the gentleman. He was not the first to commence this warfare. The Senator from Kentucky, in a speech of great eloquence and ability, had opposed a measure of his. As to mental powers, he readily, not in a spirit of irony, but with the most perfect sincerity, admitted that Senator's infinite superiority to him.

Mr. CLAY said that perhaps it would be better at once to enter into a treaty of peace and amity with the gentleman. He would give him a *carte blanche;* support any measure of his, unless it should happen to be in behalf of the *squatters*--he could not stand that.

The resolution was then agreed to.

GENERAL APPROPRIATION BILL.

On motion of Mr. WEBSTER, the Senate proceeded to consider the bill making appropriations for the civil and diplomatic expenses of Government for the year 1836.

The amendment making an appropriation of $2,500 to enable the Secretary to distribute, as ordered by a resolution of the Senate, a compilation of documents relative to land titles, being under consideration—

Mr. BENTON moved to strike out the provision for giving one set to each Senator. He thought it had been considered as settled, for two sessions past, that they were done with giving themselves books at the public expense. It had been stated in the other House by Mr. Johnson, of Tennessee, that it would take about one thousand dollars to each member, to put him on the same footing, with respect to books, as the old members. He was aware that it was an exceedingly ungracious task to oppose giving the same books to the new members that had been given to the old; but the thing had been commenced two years ago, by his friend from Georgia, [Mr. KING,] who deserved the thanks of the country for calling their attention to one of the grossest abuses. This was one of the greatest impositions that had ever come to his notice, with the exception, perhaps, of one enormous and flagrant abuse—a work that was to go on for years, to an unknown extent, and then to be distributed to those who were members of the 22d Congress. He did not know whether it was proposed to give copies to the legal representatives of such of the members as have died; but it was certain that they would, under the provision of the resolutions, have a right to them. They might go to the assignees of these members; and it had been stated by the Senator from Georgia, [Mr. KING,] that a member of Congress had sold to a bookseller in this place, for ten dollars, his share of that which was to cost the United States hundreds of thousands of dollars.

Mr. B. here spoke of the uselessness of the work proposed to be distributed, and the shameful waste of public money in printing such a mass of worthless matter. The principal part of the publication related to the preliminary proceedings in investigating the titles to lands, which were not worthy of preservation, as every thing relating to land titles was merged in the patents which had since issued. There were, Mr. B. said, in an office in this city, about five hundred volumes of documents, which he apprehended cost the Government far beyond $1,000, and he should consider them a dear bargain at $100. He had, it was true, voted at first for some of these books, till his attention was called to the subject; but since then, he had strongly resisted all such appropriations. He presumed, as the books had been printed and paid for, that they must be distributed; but he was opposed to that part of the distribution which referred to their worthy selves, and he would therefore move to strike out that part of the amendment which gives one copy to each member of Congress.

Mr. WEBSTER said the distribution would be made in the usual way. The question involved in the amendment was merely whether they should be distributed, as they were already ordered and paid for, or whether they should remain in the lumber-room. He hoped the amendment would not prevail.

Mr. BENTON replied that they did well to appropriate money for the transportation of these books, for whoever they were to be sent to would, cheap as transportation now was, hardly be willing to pay for getting such useless lumber. He had, therefore, no objection to pay for sending them away; but he was opposed to giving them to members of Congress. He would rather give them away to anybody that would take them. They might be useful to the grocers, if the leaves had not been cut; but as it was, they were hardly worth having to wrap a herring up in. Such had been the enormity of the abuse in printing worthless documents, that he had been told by the servants of the boarding-houses that the mass printed during the panic session had glutted the market, and that their perquisites had fallen to about two cents per pound. The gentleman near him smiled at what he said; but he would tell him that if he would take his little children to a shoe store and buy a pair of shoes, he would find that they would be wrapped up in public documents. Buy whatever he would in any of the stores of this city, he would find his purchases wrapped up in papers that had been printed by order of Congress. Indeed, such had been the profusion with which these public documents had been printed, that they had greatly depreciated even as wrapping-paper; there was no doubt of there being a surplus there. If no other disposition could be made of these documents, they might put them to the same use that the Ottoman conqueror did the books of the Alexandria library—distribute them among the public booths, to be used as fuel. There were public booths in this city, where these documents might be found useful in the same way. Mr. B. was opposed, out and out, to giving these documents to the members of Congress, and he therefore asked the yeas and nays on his motion.

Mr. HILL said the number of volumes was five, and they were not worth, for anybody's use, the trouble of carrying them home. There were, at a former session, 850 additional copies ordered out of the contingent fund, by a simple resolution offered by Mr. Poindexter, and the cost of which amounted to $57,000. They were made up of mere notes taken in relation to the public lands, and he believed were not even of any value to the Territories; and if this was not extravagance, he did not know what was.

Mr. BENTON here read extracts from one of the volumes, taken at random, he said, from the pile, and opened in the middle, which were a fair sample of the whole publication. There never was, he said, a grosser imposition practised than was done in the publication of this work. Here was a sample of the five volumes, and the whole related to land titles thirty years ago, which were all merged in the patents, the only titles now necessary to be looked at.

Mr. EWING of Ohio had not examined these documents to ascertain their value, but he had found some of a similar kind very useful and valuable as books of reference to members, on the subject of public lands.

Mr. WEBSTER observed, that this was a subject of

which he professed to have no knowledge. Whether these books were useful or not, could better be judged of by gentlemen coming from the States where the public lands were. All he rose to say was, that he thought it unnecessary to delay the appropriation bill in questions of this kind, and that the best way would be to reject the amendment at once.

Mr. WALKER did not concur with the Senator from Missouri in his opinion as to the value of these books. As books of reference, he had found them very useful while on the Select Committee; and although there might be a great deal in them that was not worth printing, yet he did not think that he could have got on without them. As regarded their distribution, he thought, with his friend from Missouri, that they ought not to be given to Senators individually, though it would be proper to give them to them in their official characters, to be retained while they were in the Senate, and to be handed over to their successors on leaving it.

Mr. KING of Alabama thought, at the time the resolution was adopted, that they would be paying for a useless work. Some of the matter contained in the publication might be useful, but a great deal of it certainly was not so. A great deal of it had been printed before in another work, as the Senator from Missouri had well observed, and they had therefore to pay double for the same matter. But the time had gone by, when it would be profitable to discuss this question—they had got the work; and the question was, what were they to do with it? As regarded the distribution, he was opposed on principle to the giving books to Senators. If the work was at all useful, let all the copies, said Mr. K., be thrown into the library of Congress.

Mr. BENTON referred the Senator from Mississippi to two publications—one being a compilation of documents relative to the public lands, by Matthew St. Clair Clarke, and the other a work now going on by Gales & Seaton, in which the Senator would find all the information he wanted in a more compendious form, without being cumbered with the mass of obsolete and useless matter that loaded this publication. He wished the gentleman to be informed that the type set up on this work was taken in the form already set up from another office; so that the Senate was paying for the same work twice. Let the gentleman refer to the collections relating to the public lands now going on by Gales & Seaton, and he would find all the information he wanted in a more compendious form.

Mr. WEBSTER wished the Senate to negative the whole amendment. He did not wish to be involved in a debate on the printing and distribution of documents, to the delay of the most important appropriation bill.

Mr. LINN could not entirely concur with his colleague as to the value of these documents. Although much useless matter might have been printed, yet he thought they contained a great deal of useful information.

Mr. BLACK said the only way in which these books were valuable, was, to Committees on Private Land Claims; when claims were presented, by turning to these books, the proceedings had in relation to them could be found, and attempts at imposition could be detected.

Mr. WRIGHT said, after the expression given by the Senate, he would vote for the bill as amended by the Senator from Missouri. He would, however, state a fact within his knowledge, which was, that three of these volumes were mere transcripts, word for word, and letter for letter, of three other volumes; and he remembered very well, when the resolution authorizing their publication was offered, (which he supposed, at the time, was for some temporary publication, and never dreamed that the whole expense would amount to $500; and never knew of the enormous expense incurred until his attention was drawn to it by an estimate made in the other House,) the Secretary of the Senate had complained that they encumbered his room. The books were already purchased, and the lumber was on their hands; and the only question now was, whether they should distribute it.

Mr. BENTON's motion was then adopted; and the question recurring on the amendment of the committee—

Mr. KING of Georgia observed, that he had already said so much in relation to the printing of books, that he did not think it necessary to say any thing now, further than that he agreed with his friend from Missouri as to the utter worthlessness of these books. If useful at all, they could only be so to the Committee on Private Land Claims; and it had been well observed, that they might obtain all the information that was in these documents and in other publications that had been made by order of the Senate, in a much more compendious form. He did not want any of them to be on his table; and he would give them away to anybody that would take them.

Mr. KNIGHT moved to amend the amendment by providing for the sending of one copy of the publication to the Historical Society of Rhode Island, and one copy to a college in that State. Mr. K. said it seemed that these books were of no value to anybody, and yet they were extremely loath to part with them. He thought they would increase in value as they increased in age.

Mr. BUCHANAN did not care much about the distribution of these books; but as it appeared that there were books to be given away, he would only say that he left the House of Representatives in 1831, and came into the Senate in 1834; consequently, he found himself entitled to no books. He thought that when books were to be distributed, he and the gentleman from Georgia [Mr. CUTHBERT] ought to have a share.

Mr. BENTON observed that this showed what a vile thing it was. Here were members sitting on that floor who were entitled to no books, while those who had been out of Congress for four years could get them; and if they had died in the interim, the books must go to their heirs.

Mr. KNIGHT's amendment was rejected.

On motion of Mr. WEBSTER, the bill was further amended by the insertion of an appropriation of three hundred dollars for completing the medals heretofore voted to General Ripley.

Mr. PRESTON moved to amend the bill by adding an appropriation of 20,000 dollars for the erection of a court-house for the courts of the United States in Charleston, South Carolina.

Mr. BLACK moved to amend the amendment by adding an appropriation of 20,000 dollars for the erection of a court-house for the courts of the United States at Jackson, Mississippi.

Mr. BUCHANAN moved further to amend the amendment by adding an appropriation for the erection of a court-house for the courts of the United States at Philadelphia.

After some remarks from Messrs. PRESTON, BLACK, BUCHANAN, WEBSTER, and MANGUM,

Mr. PRESTON withdrew his motion, and the motions of Messrs. BLACK and BUCHANAN consequently fell with it.

Mr. MANGUM moved to amend the bill by striking out the appropriation of 340,000 dollars for the contingent expenses of the courts of the United States, which, he said, was extravagant and unnecessary, and insert 140,000 dollars.

After some opposition from Mr. WEBSTER, this amendment was rejected.

On motion of Mr. EWING of Ohio, the bill was amended by inserting an appropriation for the survey of lands lately acquired from the Indians in the Wisconsin Territory.

The amendments of the committee were then concurred in, and the bill was reported to the Senate; when

Mr. KING of Georgia moved to amend it by striking out the appropriation of $20,000 for the documentary history of the revolution now in progress by Matthew St. Clair Clarke and Peter Force.

Mr. BENTON hoped that the motion to strike out this appropriation would prevail. He was rejoiced to see the Senator from Georgia persisting in the good work, and he would enlist with him for the war. They had already paid $20,000 for this work, without seeing a page of it; and that, he thought, was enough to break up this improper contract. He thought that this work was stopped two years ago; but now it seemed that more money was asked for it. His attention had been called to some remarks made in relation to this work the other day in the House of Representatives, which he would now read for the benefit of the Senate.

[Here Mr. B. read some remarks made by Mr. JOHNSON of Tennessee.]

That gentleman stated in his place that there was a bill brought in to print this work at $8 per volume, and that it was rejected by the House on account of the price; yet, at the succeeding session, another bill was brought in, which was hurried through almost without notice, at the heels of the session, giving $13 50 for this same work. The gentleman further informed him, that, on searching among the files of the House for this manuscript bill that had been thus rejected, they found the bills immediately before and after it; but that bill could not now be found. All this showed that the contract had been obtained in an improper manner.

I am to receive (said Mr. B.) $262 worth of this work; while the gentleman from New Jersey, [Mr. WALL,] who sits on my right, is to receive nothing. At least one-half of those who were now members of Congress would get no copies, while those who were members of the 22d Congress would get them; or, if they should not now be delivered, they would be given to their executors. Two years ago, (said Mr. B.,) we struck out this thing, and the next morning it was reinstated. This session it was struck out in the House of Representatives, and the next morning it was in like manner reinstated. Night work, sir, night work, (said Mr. B.;) what was done in the morning was undone at night.

The extent to which this work was carried was a great abuse. The contract was got through for a work professing to be a documentary history of the revolution, and they had got matter as far back as the settlement of the pilgrims; while they had to pay double as much as the work could be printed for anywhere else. He hoped the appropriation would be struck out. Every thing that these gentlemen had been compiling would be found in the library of Congress or in the library of the Department of State; so that the compilers had not been put to much trouble in making their collections. He was for putting a stop at once to the work; and if the compilers could show that they were damnified, he would readily agree to pay them, and pay them liberally.

Mr. SOUTHARD said, that when a contract had been made, and the work commenced under it, it then would be a violation of the principles of justice in refusing to go on with it. This was an appropriation bill for items allowed by law, and, while the contract stood, it did not seem to him to be honest to withhold payment. If there was any thing wrong in the matter, the proper way would be to let a resolution of inquiry be offered, and a committee of investigation appointed. But when a contract was made for a work to be published, they could not refuse an appropriation to complete it. The Senator from Missouri had made charges upon mere allegations.

[Mr. BENTON said he had based his charges upon what a member had said in his place on the floor of Congress.]

The Senator, then, (said Mr. S.,) rests his charges upon the allegation of what a member of the other House had said in his place, although the House of Representatives had passed the bill in the face of the statement of that member. He would be unwilling, for his part, to proceed in any case on such evidence alone. He would first ask for the evidence, before he could do what he was here asked to do. Did it, he asked, dissolve them from the contract, because the work was worthless? The inquiry whether the work was worth the continuation of its publication, would be proper enough. But when the Secretary of State made the contract, it was in the power of Congress either to confirm or reject; but they confirmed it. He gave no opinion of the value of the work at present. He spoke of the importance of preserving the records of the early history of our country, and to which he cared nothing about the expense. He was not willing that the Senate, at a single jump, should violate the rights of parties; but, with the Senator from Massachusetts, [Mr. WEBSTER,] he was willing that a committee should be appointed to inquire into the matter.

[At the close of Mr. SOUTHARD's remarks, a sample of the work under discussion was handed to several of the Senators.]

Mr. HILL said he did not wish to consume the time of the Senate, to throw any obstacle in the way of the passage of the appropriation bill; but to prevent an improvident contract being fastened upon the nation, it was indispensable that the item of twenty thousand dollars towards the publication of the work of Messrs. Clarke & Force should be stricken out; if that item was retained, we would hereafter have no hope that an immense expenditure would be avoided.

The Senator from Missouri had said that the original bill which authorized this expenditure had passed without the attention of anybody. The Senator was under a mistake; and he (Mr. H.) would refer to the Senate Journal of 1833, to prove the fact. On the 27th of February, three days before the close of the session, three propositions of immense jobs of printing were brought up at the same time. Each of these propositions, as were many others of a like tenor, was reported and recommended by the Library Committee, who had always been exclusively of one political party. Reports from that committee had usually been made in whispers, in so low a tone of voice, that it had been impossible for him [Mr. HILL] to hear them when they were made; but all three of these propositions for printing had attracted his attention when they came up for a third reading. The first proposition was for a continuation of Gales & Seaton's compilation of State Papers, extending that work eight volumes, and involving an expense to the Treasury of $63,000. Mr. Foot, the late Senator from Connecticut, was then in the chair; and I called for the ayes and noes to be taken on the question. The attention of so few was called to the subject, and the question was so hurried by the Chair, that one-fifth of the Senate failed to respond to the call I then made. Then, almost in the same breath, came up for consideration the bill to provide for the publication of a stereotype edition of the laws of the United States by Duff Green. Although his proposition was nearly double the price at which the same work had been offered by several other printers, it was passed by a vote of twenty-five to seven. On this proposition, which involved an expenditure of at least $125,000, I was able to obtain the ayes and noes, and six other Senators voted with me against the bill. Then succeeded immediately the bill making provision for the publication of the documentary history of the revolution by Messrs. Clarke & Force; and on the ques-

tion of its passage, my call for the ayes and noes was not sustained by one-fifth of the Senators present: the occupant of the chair hurrying the decision, and evincing little disposition to gratify my wish to ascertain who was in favor and who against this extravagant expenditure for public printing. This third resolution, at the minimum calculation, involved an expenditure of about $500,000—it may amount to two or four millions; nay, there is no limit to it. The publication may include every thing connected with the time of the revolution.

It is worthy of remark, continued Mr. H., that all these extravagant projects for printing have been in favor of one side of the question exclusively. The three propositions to which I have adverted embraced each branch of the opposition. Gales & Seaton were to have a fat job, and Duff Green's friends insisted that he should have one also. When the proposition came to be considered in the House of Representatives on the last night of the session, Gales & Seaton's and Clarke & Force's bills passed--both belonging to and including one branch of the opposition. Duff Green's proposition to stereotype the laws and treaties failed; they disappointing the other branch of the opposition. But this disappointment was made up at the beginning of the next session, (1834,) by a resolution of a late Senator from Mississippi, (Mr. Poindexter,) authorizing the publication of land documents, which also passed without attracting sufficient attention of the Senators to call for a division of the question—probably when not half a dozen Senators heard the resolution read. The execution of this measure has involved an expenditure of $57,327 to be paid from the contingent fund of the Senate; and the result is, the publication of five folio volumes, sixteen hundred copies each--or eight thousand volumes in the whole—a lumber, which has been proved to be of no use to every nine hundred and ninety-nine in a thousand of the people of the United States--a publication so useless, as really not to be worth the price of transport for members carrying it home, and which now encumbers the rooms of the Capitol. Three of these folios were but a reprint of the very documents published by Gales & Seaton; and they were twice printed, in the same year, at the public expense.

The price of the proposed publication is said to be $13 62 per volume--about twice as much as the price of Congress printing; and this Congress printing is much higher than the prices of printing in all our principal towns. This matter of printing is alleged to be a small affair, not worthy of the attention of Senators. Although it is a subject of little interest here, it may be interesting elsewhere, to look into the expenditures for public printing at this point. From a report of the Secretary of the Senate, made at the commencement of the present session, I have taken the footings of the several years of the public printing, which I will present:

Printing of the Senate and House from 1817 *to* 1835.

Years.	Senate.	House.
1817,	$4,837 69	$8,561 99
1818,	6,107 72	15,218 88
1819,	5,726 79	10,492 00
1820,	11,960 59	13,042 34
1821,	11,871 64	17,883 94
1822,	12,778 47	18,935 63
1823,	6,349 46	22,182 21
1824,	10,380 00	34,350 00
1825,	10,533 09	19,953 29
1826,	14,928 04	50,462 07
1827,	13,055 89	52,027 52
1828,	21,863 97	36,531 10
1829,	$10,385 73	$25,623 81
1830,	11,391 96	34,939 67
1831,	6,882 19	31,120 82
1832,	18,391 52	67,776 89
1833,	14,757 57	31,329 63
1834,	20,412 50	89,290 64
1835,	85,342 22	

By this statement, it will be seen that the expense of printing for the Senate has been multiplied twenty times, and that of the House ten times! The Senator from Kentucky [Mr. CLAY] had reproached the administration for its "utter and reckless extravagance," and taunted it with its failure in making "retrenchment and reform." The extravagant expenditures by the Senate and House, of millions for public printing, could not be charged on the administration, or its friends; the Executive certainly is not responsible for them. From the Secretary's report, I have gathered the facts that Gales & Seaton, during sixteen years, from 1820 to 1835, have received from the Treasury $651,723 84, or an average of more than $40,000 a year; Duff Green, for nine years, from 1827 to 1835, $443,144 78, or nearly $50,000 per annum; and Francis P. Blair, for five years, from 1831 to 1835, has received $19,479 54, or about $3,900 per annum. These persons are editors of the three daily political papers which have been published at the seat of Government.

The first two are inveterate opponents; the latter is friendly to the administration. These expenditures show in what channel the patronage of the public press has been directed under the present administration. Before it was drawn into this temptation, the National Intelligencer was the faithful organ of the public voice; all who could remember as far back as the year 1812, could remember what the Intelligencer was. What is that paper—whose organ is it now? The other opposition paper, the Telegraph, had pretended friendship for the administration until it had procured the printing; but it had instinctively turned to the party which always paid best. Here is a million of dollars paid to two printers, (a large portion of it since the present administration came into power,) whose newspapers have been constantly employed to batter down the administration.

How happens it (said Mr. H.) that all resolutions for extra jobs of printing have been on one side of the political question? Is it because the Committee on the Library have had no political predilections? That committee, I repeat, has for several years been exclusively of one political party; and the administration has not had so much as one poor representative in this body upon it. This Clarke & Force's is not less a political business than the other contracts. The persons employed in it are of one side; if it is carried through the Senate at this time, it will be carried as an opposition measure. The Senator from New Jersey [Mr. SOUTHARD] says it will not be honest now to refuse to carry into effect this contract. There surely can be no injustice, no dishonesty, in stopping this wasteful expenditure, if Congress shall indemnify Clarke & Force for the expenditures they have already made. Twenty thousand dollars have already been advanced to them; more will be paid, if more has been expended. There can be no hesitation in saying that Congress had been deceived and cheated into this measure, whether the publishers had or had not intended it. Mr. Livingston, the late Secretary of State, to whom the business of contracting had been referred, had been imposed on: he knew nothing of the nature of the contract himself; and it is now said the person who happened to be the agent to make a bargain with Clarke & Force was a person in direct interest with them.

Hence may we account for the raising of the price from eight dollars per volume, as first proposed by the publishers themselves, to thirteen dollars sixty-two cents, as prescribed in the contract. It is very evident we have been imposed on in some way. It now seems, as a matter of grace, that these contractors are willing to limit the expenditure to somewhere about half a million of dollars. There is yet no limit to this matter; if it proceeds, the present generation may not see the end to it. I have never consented to this contract, and never will consent to it. The work, when it is printed, is to be distributed among the members of Congress of 1833, who voted for the bill, and to members who have not been in Congress for two years. There surely is great impropriety in this part of the law. It cannot be said that injustice is done to these publishers if Congress remunerates them for their expenses until this time, and the work shall henceforth cease and be discontinued.

Mr. BENTON said, as he understood it, the House did believe what Mr. Johnson said; for they struck out the appropriation by a large majority; and that appropriation was reinstated next morning, after operating on the members the over night. He would now offer a resolution, which he hoped would be received by general consent, to appoint a committee to examine into the progress of this work, and to report to the Senate what ought to be paid to the compilers for what they had done.

Mr. KING of Georgia said that the resolution was unnecessary, as nothing could be due on the work. It was impossible that the sum $20,000, appropriated last year, had been expended in collecting materials for this work; so that, in fact, nothing could be due on the contract. His proposition was to strike out the appropriation of $20,000.

Mr. WEBSTER observed that it would be unjust to suppose that these contractors would print any thing not authorized by Congress. It was well known that they had offered to submit the selection of the matter to be printed to an agent appointed by Congress; and it was also well known that they had agreed to an important modification of the contract. The contract might be broken up; but the question was not now whether they should pay the money or not. The contract had been made—whether improvidently or not, it was not now for him to say; and they were as much bound to make the appropriation, as to appropriate money for the pay of salaried officers. He hoped that the progress of the bill would not be interrupted by the consideration of the resolution offered by the Senator from Missouri, [Mr. BENTON.]

In regard to the contract, the parties had a right to their pay under an act of Congress; and this was only appropriating the amount to be paid. He hoped no new principle would therefore be involved in this bill; and he would demand the yeas and nays, to ascertain whether the Senate would sanction such new principle.

[As the resolution of Mr. BENTON could only be received by unanimous consent, the objection by Mr. WEBSTER prevented its being received.]

Mr. MANGUM, in reply to Mr. HILL, observed that the contract for this publication had been placed on party grounds; and this extravagant and improvident contract had been charged against the opponents of the administration. Now, was this just? Who was the first to make objections to this measure? He himself was the first that called the attention of the Senate to it two years ago; and he expressed the same opinion then that he held now—that the contract would lead to an extravagant and useless expenditure of money. It was said by the Senator from New Hampshire, that the yeas and nays were not taken on the adoption of this measure; and this circumstance showed that it was not a party vote; for when such was the case, there were always enough ready to order them. At all events, the resolution passed at the close of the session, authorizing the publication of a documentary history of the revolution; and the contract was to be made by the highest officer under this administration, (Mr. Livingston.) Now, if there was nothing else than this improvident and extravagant contract, that would, of itself, be enough to show that Mr. Livingston was utterly unqualified for the situation he held. The contract was not only to pay double for the printing, but was for the printing of an indefinite number of volumes; so that the contractors might draw millions from the Treasury. If this was a party measure, (said Mr. M.,) put the saddle on the right horse. As to this contract, he would be glad to get rid of it in any form. He would be willing to raise a committee to rescind it; but he would say that he would take it upon himself to abrogate it at once. He was ready, however, to do the parties full justice, and would pay them liberally; nay, he would even pay them more than they were entitled to. Taunts about this contract were wholly useless. For his part, he believed that no party was censurable for it. Mr. Livingston managed it, as he had done other matters, with great improvidence, though he meant not to impugn that gentleman's integrity. As to the distribution to members, he had always opposed it. There was a degree of indelicacy in voting books to themselves, which he could not approve of.

Mr. KING of Alabama regretted very much the course which this discussion had taken. He did not believe that this was ever considered a party measure. He believed that they were divided two years ago, not on account of doubts of the improvidence of the contract, but because they differed as to the mode of getting rid of it.

The simple question then before them was, whether they were to go on making appropriations without seeing where they were to stop. If they could see the end of it, or if they could know what they were paying for, they might with more reason be called on to make the appropriation. It was not necessary that they should now appropriate it; they had already appropriated $20,000, and there was no reason why they should appropriate more, without knowing whether a sufficient amount of work had been done to justify it. They had no evidence before them of what had been done, other than a single sheet of the work. He thought that the proper course would be to strike out the appropriation now, and appoint a committee to examine what had been done, and to report to the Senate the best way of stopping the work, and the amount that ought to be paid to the contractors. If they made the appropriation now, it would be at once sanctioning the continuance of the work; they would be called on to make the same appropriation the next year, and there was no knowing where they would stop.

Mr. BENTON merely wished to say, in justice to the Senator from North Carolina, [Mr. MANGUM,] that that gentleman was the first that ever called his attention to these abuses; and it appears from the Journal, Mr. B. said, that he has voted with us in regard to these matters ever since.

Mr. PRESTON wished the matter to be regulated to the satisfaction of the parties. They were not bound to proceed unless the other party had proceeded. He wished to know of the chairman whether any considerable progress had been made in the work.

Mr. CALHOUN hoped the Senate would agree to strike out the section, and allow the publishers liberal compensation for what they had done, and stop its further progress. They had made a most improvident contract. And, besides, he had strong constitutional doubts as to the power of Congress to contract for such a work; and

if they had, there were few, in his opinion, who were qualified to perform a work of so sacred a character.

Mr. WEBSTER suggested that it would be but just to these contractors to give them an opportunity of showing what progress they had made in the work. It was now late in the day, and he would therefore move that the Senate adjourn, which he hoped would be agreed to; and the Secretary could then signify to these persons that it would be necessary for them to make a communication to the Senate next morning.

The Senate then adjourned.

FRIDAY, MAY 6.

MEXICO.

The following message was received from the President of the United States, by Mr. Donelson, his Secretary:

To the Senate and House of Representatives:

Believing that the act of the 12th July, 1832, does not enable the Executive to carry into effect the recently negotiated additional article to the treaty of limits with Mexico, I herewith transmit to Congress copies of that article, that the necessary legislative provisions may be made for its faithful execution on the part of the United States.

ANDREW JACKSON.

WASHINGTON, *May* 6, 1836.

TRANSFERS OF PUBLIC MONEY.

Mr. EWING of Ohio moved that one thousand extra copies of the report of the Secretary of the Treasury, in reply to the call of Mr. EWING for an account of the amount of money received in the western States for public lands, transferred to eastern banks, be printed for the use of the Senate.

On making his motion, Mr. E. said: Mr. President, some days ago you received from the Secretary of the Treasury an answer in part to a resolution of the Senate, relative to the transfers of the public money from the western deposite banks to the eastern cities. There were of that partial answer some extra copies—I think one thousand--ordered to be printed on the motion of the Senator from New Hampshire over the way [Mr. HUBBARD.] Day before yesterday the residue of the answer to that call was received, and a motion to print the same number of extra copies offered by the same Senator; but it was withdrawn at my request, and I now renew the motion, and ask that 1,000 extra copies of the report be printed.

But, before I resume my seat, said Mr. E., I hope the Senate will indulge me in saying a few words on the matters set forth in this report. It will be recollected that when the resolution of inquiry was pending before the Senate, I caused to be read a circular from the Clinton Bank of Columbus, one of the depositories of the public money; in which that bank informs the other banks of the State that it had directed the receivers of the several land offices who made deposites in that bank to receive none of the notes of the Ohio banks in payment for lands, without further orders; and that those orders would not be issued in favor of any banks except those who would agree to redeem their notes in drafts on some of the Atlantic cities at thirty days' date. And it alleges, as a reason for imposing such harsh conditions, that that bank had necessarily to transfer to those eastern cities nearly all the public money which it received. The resolution offered by myself, and adopted by the Senate, directs the Secretary of the Treasury to state whether the deposite banks possessed the power to direct what funds should and what should not be receivable for public lands; and what amount of money, so received by the deposite banks in the west, was by his order so transferred. The part of his answer which came in first, and which has been printed and laid upon our tables, goes to the power of the deposite banks in the several States over the currency; and I understand the Secretary to say (for he is not very explicit in his statement) that they have the power which they claim. I look upon this as a most unfortunate state of things, and wholly unjustifiable and improper, as it regards the Government itself and the great business community. The Secretary urges as a reason for vesting these banks with this enormous power over the currency of the country, that they are responsible to the United States for all that they receive, and bound to pay it, if required, in gold and silver; that they, therefore, ought not to be compelled to receive any thing that is not equivalent to gold and silver. But this does not meet the case presented; it does not apply to the state of things which has made the subject a matter of inquiry: it is not gold and silver, or any thing that is equal, and only equal, to gold and silver, that they require. All the banks in Ohio pay gold and silver for their notes on their counters, and will be able to do it, unless a wreck take place in another quarter, and the sinking masses drag down every thing in their vortex. Those banks are richly stored with specie, and will hold out to the last. But specie will not do this deposite bank. Drafts on the eastern cities are worth one and a half per cent. more than gold and silver, and they require drafts in exchange; and the bank that will not pay this premium for the privilege of letting its notes be current for the revenue, must submit to the discredit, and the public must submit to the inconvenience of having them refused.

I find, too, (said Mr. E.,) to my utter astonishment, if the report of the Secretary be correct—as of course it must be—that the pretext set forth in the circular of the Clinton Bank, for this unusual and oppressive exaction, is unsustained by the fact. The circular represents that nearly all the money of the United States received in that bank has necessarily to be transmitted to the eastern cities. The Secretary says in his report, that no more than $45,000 of that received in the whole State of Ohio has been so transmitted since the 1st day of June last; and, if I recollect his figures right, he makes it 1-253d part--or one dollar transmitted out of 253 dollars received. I can say no more upon this branch of the subject than this: that justice requires that it should be distinctly noticed by me; that the incorrect statement contained in that circular, which I implicitly credited, led me, when I first addressed the Senate, to suggest a censure on the Secretary of the Treasury for withdrawing from the State of Ohio funds which I find, in his report, he has not in fact withdrawn. But it now remains for him to determine whether he will permit his fiscal agents, on representations such as this, to establish a brokerage upon the funds of the United States, and while they must themselves in fact inflict upon the community all the mischief which would arise from an actual transmission and abstraction of the public funds.

One other thing I wish to notice. It is, that the Secretary of the Treasury says in this report, that exchange still continues easy; that it has never been more favorable. This is the idea; I have not his words. I do not propose to contradict this. I merely call the attention of the business public to the statement, that they may see what the Secretary of the Treasury says to Congress about the exchanges. Every business man in every portion of the United States knows whether this is or is not the fact.

Mr. HUBBARD remarked that he tendered his thanks to the Senator from Ohio for having renewed the motion which he presented a few days past to the Senate, (the consideration of which was postponed upon the Senator's

motion,) to have printed a thousand extra copies of the report of the Secretary of the Treasury, which was communicated to the Senate in answer to the resolution which that Senator had offered, requiring the Secretary to inform the Senate "what amount of moneys of the United States, received for public lands in the States of Ohio, Indiana, Illinois, and Missouri, and the Michigan Territory, had been, in pursuance of his instructions, transferred to banks in the eastern cities, since the 30th of June, 1835, and that he designate the banks from and to which such transfers had been made." It will be recollected that when the first part of the Secretary's report came in, in part answer to this resolution of the Senator from Ohio, he had moved that a thousand extra copies should be printed; and when the report now under consideration was communicated, he had made a similar motion. In making these motions, he was principally governed by a desire to give early information to the public; so that if the Secretary of the Treasury had been in fault, in relation to this matter, it should be known as extensively, at least, as these reports should be circulated; and that, if no blame was chargeable upon him, he might stand acquitted from something more than a mere insinuation, which, in the progress of this affair, had been, in his judgment, cast upon that officer. He therefore tendered to the Senator his thanks for having renewed the motion; and if he had rightly understood the remarks which had just been made by the Senator from Ohio, he had not undertaken to gainsay any part of the report itself, or to complain of the Secretary for the manner in which he had answered his resolution. He was not disposed to engage himself in any matter in controversy between the deposite banks in Ohio and the other banks in that State. Whatever the Senator had been pleased to say as to the course and conduct of the State banks having the public money in deposite, with reference to the other banks of that State, did not seem to require any notice from him. He was disposed to let these banks manage their own affairs in their own way; it was merely his purpose to show that the course and the conduct of the Secretary of the Treasury upon the subject of the public money in deposite in Ohio, and in the other States mentioned in the resolution of the Senator, were wholly unexceptionable; that he had pursued towards the banks of those States, as far as he had authority to interpose, the same liberal, just, and impartial course which he had pursued towards the banks in the other States.

It certainly was known to the Senate that the bills of State banks are not by law receivable for the public lands. Nothing but gold and silver, and bills of the Bank of the United States, are by law receivable; and whatever regulations are made between the banks who have the public money in deposite, and who are to be called upon to transfer, or in any way to disburse it, and other banking institutions, upon the subject of their own paper currency, is matter exclusively for them, and with which the Secretary can have, and should have, nothing to do. The deposite banks are liable, in pursuance of the contract between the Government and them, to pay out the deposites in specie; to transfer their funds, without charge, to any section of the country where they may be wanted for expenditure, or where they may be preserved in greater security. It must be, therefore, wholly a regulation between the banks themselves—a regulation for their convenience--entered into for their accommodation and the accommodation of the public, and which will be observed so long as, and no longer than, it will be conducive to their interest.

Mr. H. remarked that, although he had very curiously looked through the report of the Secretary of the Treasury in manuscript, yet he was not disposed to discuss that report at this time. The report, when published, would speak for itself; it would show the principles upon which the transfers of public money are made from one point to another. The report will clearly show that they are made to a given point, when a greater expenditure is there demanded than the ordinary collections at that given point will meet the requirements of the Government. This report will show that these transfers are sometimes made, very properly, with a regard to the safety and security of the public money. But never have these transfers been ordered by the present head of the Treasury Department, unless for some such just and meritorious consideration which I have mentioned. Never have they been ordered with a view to prejudice, to weaken, to embarrass the section, or the money market at the point from which these transfers have been made. The Secretary of the Treasury is incapable of being influenced by any such blameworthy considerations.

Mr. H. said all he desired was, that the report might be published, and that all judgments upon its merits or demerits might be suspended until it shall have been printed, read, and considered. He thought he hazarded little in saying that, when well examined, it would give to the Senator from Ohio, himself, satisfaction; that it would afford entire satisfaction to the Senate, and to the whole community. It would show, most conclusively, that the Secretary of the Treasury was not, in relation to this matter, in the least degree liable to censure. He would merely add that, unless he was greatly mistaken, the report would show, so far from pursuing an oppressive course, that no more money had been transferred from those points of collection than a proper regard to public convenience and economy demanded; that it will be found that there were left in deposite within the limits of Ohio, at the latest returns, millions more than were in deposite in that State in June, 1835, and more than, in all probability, will be required for public expenditures within that State for the whole of the current year; and the same remark will apply to the other States, and to the Territory named in the resolution of the Senator. It will be found that more of the public money was, at the last returns, in deposite in Ohio alone than in all the New England States, Massachusetts excepted. He did not, however, wish to pursue this subject further. He hoped that the motion of the Senator would prevail; that the thousand copies would be published, and would be distributed with as little delay as possible.

Mr. EWING, of Ohio, replied, that the report of the Secretary did not show that any unreasonable amount had been transferred from Ohio. The Senator was mistaken in supposing that there had been no transfer, for the Secretary said to the contrary, though the amount was too small to warrant the deposite banks in saying that they had to transmit all the money they collected to the East.

The motion to print was then adopted.

CHOCTAW LANDS.

On motion of Mr. BLACK, the Senate took up for consideration a joint resolution, from the House, to suspend the sales of the Choctaw lands, acquired under the treaty of Dancing Rabbit creek.

The joint resolution, as it came from the House, provides that the suspension shall be "until the further order of Congress." The committee reported an amendment, striking out these words, and substituting the words, "from the first day of June to the first day of December." The amendment was agreed to.

The resolution, as amended, was ordered to a third reading.

APPROPRIATION BILL.

The Senate resumed the consideration of the bill ma-

king appropriation for the civil and diplomatic service of the United States for the year 1835.

The question pending being on the motion to strike out the clause appropriating $20,000 for the publication, by Messrs. Clarke & Force, of a documentary history of the revolution, under a contract with the Secretary of State,

Mr. WEBSTER stated his willingness to assent to the proposition to let the subject stand over until the next session, by which time a volume would be printed, and the work could be examined. He went into a detail of the circumstances attending the progress of this contract.

Mr. SOUTHARD also went into a full exposition of the facts.

The amendment was then agreed to, according to the suggestion of Mr. WEBSTER.

On motion of Mr. ROBBINS, some changes were made in the clauses concerning the library.

The amendments were then ordered to be engrossed, and the bill to be read a third time.

ENLISTMENT OF BOYS FOR NAVAL SERVICE.

On motion of Mr. SOUTHARD, a bill to provide for the enlistment of boys for the naval service was taken up and considered.

The bill was amended on motion of Mr. SOUTHARD, by introducing a provision authorizing the enlistment of others than boys, for a period of not less than five years, and also by introducing additional sections for the charge of persons enlisted before they are taken to the vessels.

The bill was then ordered to be engrossed.

On motion of Mr. CLAYTON, the Senate proceeded to the consideration of executive business.

After the doors were re-opened,

The Senate adjourned till Monday.

MONDAY, MAY 9.

THE ARMY.

Mr. WEBSTER, from the Committee on Finance, reported the act making appropriations for the army for the year 1836, with two amendments.

On motion of Mr. WEBSTER, the bill was then taken up for consideration, and the amendments were read.

Mr. W. then explained that the bill, as it came from the House, contained a provision for moving the troops from Fort Gibson to some other point on the banks of the Arkansas. The Committee on Finance had thought it better, with a view to consult the health of the army, that the point should be left to the discretion of the President, who might consider the high lands a more healthful location than the immediate banks of the river. This, therefore, was the object of the amendment.

The other amendment was to insert an appropriation of $300 for completing the medal voted to General Ripley. By an accident, this appropriation, which had been added by the committee to another appropriation bill, had been omitted in the engrossment of that bill, and it was therefore introduced into this bill.

The amendments were then agreed to; the bill was reported without further amendments, and the amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was subsequently read a third time and passed.

APPROPRIATION BILL.

A message from the House of Representatives was received, stating that the House had concurred in all the amendments of the Senate to the bill making appropriations for the civil and diplomatic service of the United States, with the exception of the sixth amendment.

[This amendment consists of an appropriation for the judicial department of the district of East Florida.]

Mr. WEBSTER said he thought the non-concurrence of the House in this amendment was probably the result of want of information. He did not wish to delay the passage of this bill, and it might be that the clause stricken out by the House could be introduced into another bill. He would leave it to any Senator to suggest what might be the proper course.

Mr. WRIGHT stated that, since the message was received from the House, he had received a communication from the chairman of the Committee of Ways and Means, by whom it was stated that the committee were of the opinion that they had voted from insufficient information. It was, however, thought best that the appropriation should be introduced into another bill, in preference to delaying this bill.

Mr. WEBSTER, assenting to this course, moved that the Senate recede from their amendment; which motion was agreed to.

AFFAIRS OF TEXAS.

Mr. PRESTON presented several memorials (all of the same tenor) from citizens of Philadelphia, praying Congress to recognise the independence of Texas; described and characterized the various transactions between that country and Mexico; and moved the reading and printing of the memorial.

The memorial was read.

Mr. PRESTON said that he was not surprised at the natural sympathy of our fellow-citizens with those who were struggling for liberty, either in the province of Texas or anywhere else. It would be strange indeed, if we, who had so lately, and under such extraordinary circumstances, achieved our own freedom—if we, in whose recollection the motives that induced us to rear the standard and fight the battles of equal rights were still fresh and vigorous—if we did not feel the strongest and deepest emotion at beholding this contest; if, when the cry of liberty was raised in any quarter, it did not find a ready echo in our bosoms, and go sounding back, cheering and animating those who were thus struggling, wherever that struggle might be. It was so in the Greek revolution; our feelings were enlisted with that gallant people, though far distant, and speaking an unknown tongue. It was so in the case of that small community, situated in the centre of Europe, surrounded by a mass of enemies who were sure to crush them. So deep and so abiding was that interest and that sympathy, that, far from being confined to newspapers and private circles, it burst forth in our public meetings and legislative halls. He alluded to the Poles. So also with South America. On the earliest occasion, and in every possible mode, did we express our hope of the final triumph of those who were striking for liberty. These facts were fresh in our memories, and were honorable to our national character. And, being so, he repeated that it was not surprising that the deepest solicitude should be felt in the result of the struggle which was going on in a province so near us; a province, the population of which professed the same religion, spoke the same language, were fighting for the establishment of the same institutions under which we ourselves were living, and were connected with us by the dearest ties of kindred. They had been seduced to emigrate by the promise of a free Government. This Government had been overthrown; and its destroyer, trampling on the fragments of a broken constitution, his passions inflamed to madness, calling to his aid all who had assisted in the old rebellion, exciting their love of plunder and their religious fanaticism, was, with these combined elements, sweeping in a fiery torrent over the country, and destroying life, property, and all that was dear and valuable.

In this state of things, (said Mr. P.,) it surely was not to be wondered at that the deepest solicitude should exist in the breast of every individual. Since he had participated in the affairs of Government, there was scarcely any thing of a public nature which he thought more deserving of attention. His own hopes had been animated: he trusted in God the Texans might succeed; and that the standard of liberty might yet wave over their desolated territory, to the utter exclusion of this barbarous and tyrannic usurper. These hopes were shared in by all who had signed this memorial. These sympathies and feelings do exist. They might be—they were—calculated to warp our sense of justice. He trusted they would not; and yet he hoped that, while we exercised the proper degree of forbearance, and did nothing in violation of the law of nations, we should put ourselves in a thorough state of preparation to meet any emergency which might arise. It was now known that Santa Anna had declared that his conquering banner should be placed upon the Capitol at Washington. To effect this, he did not rely upon his own prowess, but on the assistance of a certain set of auxiliaries whom he expected to meet on the banks of the Mississippi. The threat might not have been seriously intended: it might have originated in a mere spirit of bravado. But we ought to be forewarned and forearmed; and if there should be the slightest indication that this was not an idle taunt, then we should meet him and crush his hopes at once. If he did commit the slightest act of aggression, he believed in God the knell of his dominion in Texas was rung.

For the present, he would content himself with discharging the duty with which he had been intrusted, by presenting these memorials; and believing that no action of Congress could be had on them, he would move that they be read, and laid on the table.

Mr. WEBSTER said that, like the gentleman from South Carolina, he was not now prepared to go into a discussion on the occurrences on our southwestern frontier. He had no wish to anticipate any discussion on this subject, which might hereafter become necessary. In most of the sentiments which had fallen from the Senator from South Carolina he entirely concurred. He considered it as no more than natural that the sympathies of all classes of our citizens should be excited in favor of a war founded in the desire, and sanctified by the name, of liberty. There could be no doubt, from our education and habits, that a free Government is the sort of Government which commands our attachment; and when we see struggling to obtain such a Government those who are in some degree related to us by the ties of country, companionship, and kindred, it is not matter of wonder that we should be inspired with warm hopes for their success. But (Mr. W. said) he also agreed altogether with the Senator from South Carolina, that this is not the time for Congress to do or sanction any act beyond the preservation of our neutrality in the contest. To any thing beyond this he was opposed; but to that object he was willing to lend his hearty co-operation.

In one respect only, then, (said Mr. W.,) he differed from the Senator from South Carolina. He was not for the Government encouraging the sending forth any aid. That was a matter for every individual to consider for himself, rather than for the consideration of Congress. Nor, as regarded himself, whatever opinions he might have formed as to the manner in which this war in Texas had been waged, or as to the manner in which the Mexican Government was administered, could he forget that we are on terms of peace with that Government, as it has been organized and as it is now administered. We ourselves, (the Senate,) it would be recollected, as a part of the Executive, have but recently made a treaty with the Mexican Government, with General Santa Anna at its head, and that Government is at this moment represented in the United States by a diplomatic agent. Under these circumstances, he felt himself restrained from applying such epithets as the Senator from South Carolina had used, in reference to the head of that Government. Having been called on, in the execution of his senatorial functions, to conclude a treaty with that Government, he felt himself restrained from the use of such terms, in speaking of the acknowledged head of the Government, as might have a tendency to prevent the continuance of those relations of peace and amity which are now subsisting between Mexico and the United States.

As to the actual state of things in Texas, he had perhaps as accurate information as any one else. Down to a very recent period, he had received it from persons actually resident in that country. He would, at this time, say nothing as to that state of things. He was, however, entirely willing that we should be prepared for the worst that could happen; but he was not, on that account, about to suppose the existence of that worst state of things. All he meant at present to say was, that he concurred generally in what had fallen from the Senator from South Carolina, [Mr. PRESTON,] reserving himself, as to any particular opinions, for a future occasion. But he did not feel himself at liberty to use language which is at war with propriety, especially towards the head of a Government with which we are on a friendly footing; because he was unwilling to do or say any thing which could have a tendency to disturb the peace of the United States. He went for the peace of the United States, at the same time that he was willing to go as far in defence of our frontier as the necessity of the case should require.

Mr. PRESTON said he was happy that his views met, in some measure, with the concurrence of the gentleman from Massachusetts. He should endeavor, on every occasion, to suppress all undue ebullition of feeling. It was impossible, however, under some circumstances, to measure language. He knew what was due to his country, and desired nothing so much as its tranquillity and honor. But, while he would do nothing to interrupt its peaceful relations, or throw any impediment in the way of their exercise, he must be permitted to consider himself not only in his executive and legislative capacity, but as a citizen of a republic, whenever he was called upon to express an opinion in such an emergency as this. If the feelings to which this emergency had given rise should burst out in strong epithets, if he did not adhere to the cold and exact dictates of duty, he trusted an apology would be found for him. We had recognised the Government *de facto* of Santa Anna. We had entered into diplomatic relations with him. How and when was this Government established? By whom was it established, and what sort of a Government was it? Was it the constitutional Government which once existed in Mexico? Was it a Government of long continuance, supported by the wishes and love and affection of the people? Or was it a mere despotism, and its founder a fortunate soldier?

It is our policy (said Mr. P.) to recognise established Governments, no matter what their principles, or by whom founded. We have a treaty with him now; we are running a line between his territory and our own; and there existed no wish on his part to interrupt the first, or prevent the peaceful prosecution of the latter. But there was a principle of vast importance presented to his mind, and that was, the actual existing state of things on the southwestern frontier. It was absolutely necessary to consider the next step in the series of events which were transpiring there. There ought to be an augmented military force in that defenceless section of

our country; surrounded as it was by savage and warlike tribes, ready to be acted upon by this Santa Anna--a man of unquestioned ability, already in command of a mixed, heterogeneous, and ferocious soldiery. If these threats have been made--but he would forbear, first, because he believed the policy of our country in relation to foreign Governments to be a wise and true one; but chiefly that he dare not trust the current of his feelings to sway him. He would restrain his indignation, therefore; and, in consideration of the respectful terms in which the memorial was couched, and the high standing of those who signed it, he would move that it be printed.

Mr. PORTER said that his object in rising was not so much to take part in this debate as to make an inquiry of the honorable Senator from South Carolina. That gentleman had said that it was now a known and admitted fact that Santa Anna had declared that, by the aid of a certain portion of our population, he would invade this country, march through it, and take the city of Washington. Mr. P. said that this fact was not known to him, and therefore he could not admit it. If such an assertion had been put forth, he should consider it as an idle rhodomontade. But it was calculated to increase the excitement which had been already gotten up on this subject; and he should be glad if the Senator from South Carolina would favor the Senate with the evidence on which he considered the fact as known and admitted.

Mr. PRESTON said it would, perhaps, have been as well if the Senator from Louisiana had let the matter rest on his (Mr. P's) personal assertion of the fact; but, as the inquiry had been made, he could answer it by referring to the Senator from Mississippi, who had in his possession conclusive evidence of the fact.

Mr. WALKER said that perhaps it would have been better if there had been no call made upon him. He had received a letter from a distinguished individual in the capital of Mexico, but he did not think it proper to give publicity to the name of the writer. He had shown the letter to several Senators; and he would read to the Senate an extract from it. He had no hesitation in giving entire credit to the statements in this extract; for the writer, who was well known to many Senators, had as respectable a standing as any gentleman on this floor, and the accuracy of his statements was indisputable. The extract was as follows:

"Just before General Santa Anna left on his northern campaign, he was at Tacubaya. The British and French ministers called on him. He said he intended to drive the Texans across the Red river; and, if they were defended there by the troops of the United States, he would drive them to Washington; and, turning to Mr. Pakenham, (the British minister,) he added, 'Yes, I will drive them to Washington, and strip the laurels from General Jackson, and burn the Capitol, as your countrymen once did;' and said it would, nevertheless, be a little something like the march of Napoleon to Moscow."

The British minister, the writer of this letter stated, was willing to confirm the truth of this statement. The gentlemen on the other side were at liberty to read this letter. He had not a shadow of a doubt that Santa Anna had made such a declaration. And (said Mr. W.) are we to sit here and listen to apologies and excuses for the atrocities of Santa Anna? Are we to be told by American Senators, in the American Senate, that we must repress our feelings, as well as have respect to our neutrality? That we are not to express those feelings of indignation which must rise in every American bosom? Who is Santa Anna? He is the Government of Mexico. He has planted a despotism in that country; has erected a central Government, and destroyed every vestige of freedom. We have heard of rebels. Who are the rebels? They are Santa Anna, and his priests, and mercenaries, and myrmidons. They are the rebels. The people of Texas clung to the Government of Mexico as long as they possibly could do so; as long as a wreck of the constitution was discernible, or a floating plank, they did their utmost to save it from destruction. It was not until the flag of the constitution was struck, and there was no longer a hope, that they raised the flag of independence.

Mr. PORTER said he deprecated every thing which had a tendency to enlist still further our feelings and sympathies in the contest now raging in the Mexican provinces. Our position, our natural character, and our true interests required a strict neutrality at our hands. This policy was so obviously the proper one, that he could not imagine, and did not mean to assert, that any Senator here wished to depart from it. But he was sorry to say that nothing better calculated to produce a departure from the position we should occupy could be imagined, than what had fallen to-day from the Senators from South Carolina and Mississippi. Our Government was a popular one. Its action necessarily sympathized with public opinion; and if that opinion was formed under excitement and passion, there was great danger it would be incorrect. He did not understand why Santa Anna should be selected of all the other despots that existed at present in the world, and made the theme of reproach. His conduct is perhaps very bad. It might be true—Mr. P. believed it was true—that he had overthrown the constitution of Mexico, and placed himself at the head of its Government, and exercised arbitrary power. But what then? Were there not a great many other despotic and arbitrary Governments in the world, with whom we felt no difficulty in maintaining relations of peace and amity? Our relations, he believed, were of the most friendly kind with the Grand Seignor at Constantinople, the Barbary Powers on the coast of the Mediterranean, and even the black empire of Hayti. We had only this session ratified a treaty with some hitherto unknown, half-civilized Power on the coast of Africa. There were no free institutions among these different nations. Despotism, absolute, cruel, and constant, prevailed amidst them all; and yet not a breath of reproach was heard against them. Our indignation was all reserved for Mexican oppression. We left to all other portions of the world the affair of living under what kind of Government they pleased, and considered that, as we permitted no foreign interference with our political institutions, we had no right to question the institutions of other countries. Mexico alone was made an exception.

The honorable Senator from Mississippi had said that he had heard on this floor apologies for Santa Anna. He (Mr. P.) had heard none. He himself had never made any. He had always thought, and always said, that so long as he observed good faith with us, and maintained the treaties he had entered into with the United States, we had nothing to do with his bad conduct in the Mexican provinces. That opinion he should on all suitable occasions express, and, if in his power, enforce. He should not be deterred from doing so by any fear of misconstruction of his motives. His object was to preserve the peace of the country. He thought it her interest to preserve it—he meant not merely her pecuniary interest, but that of a higher kind, which looked at her true glory and the maintenance of the moral power which she now so advantageously possessed among mankind. And if these considerations did not influence him in the course he prescribed to himself in this matter, the vital interests of the State he had the honor in part to represent on this floor left him no discretion. The valuable and lucrative branches of trade which were now

in activity between Louisiana and Mexico would be broken up by a war, and the principal channel through which specie entered into New Orleans closed completely. Every interest in that State, agricultural as well as commercial, would be seriously affected by a change in our relations. He was informed, and believed, that, during the last twenty months, the trade between the city just mentioned and the ports of Mexico amounted to nearly fifteen millions of dollars, and that in the same space of time about eight millions of specie had entered the Mississippi from the same quarter. All this was to be thrown away, because they had no free institutions in the country adjoining us. He must be excused if he did not feel himself at liberty to partake in such sentiments. We were placed here to watch over the growing interests of our own country, to promote its happiness by all the means by which its wealth, population, and security can be secured, and not to indulge at its expense our own feelings, nor to carry out among other nations our abstract opinions of government.

There was another consideration (Mr. P. said) for him and for the other gentlemen from Louisiana, in both Houses, with whom he had the honor to be associated. If war broke out between Mexico and the United States, the western portion of our State, and its borders, were to become the seat of it. That war, once commenced, he was afraid would not be speedily terminated. It must become, from the extent of the country and its localities, partisan in its character. And a large portion of the most wealthy and populous portions of the State was to be exposed for years to the inroads of Mexican cavalry and their Indian allies. He foresaw that, in the event alluded to, the inhabitants of that section of the State of Louisiana were to have their security disturbed and the safety of their property, particularly that of slaves, seriously endangered. He would give his aid to no measures which would precipitate such a state of things. It was very well for gentlemen who came from States where peace and security could not be affected by hostilities, to indulge in aspirations after the happiness of the human race. But he protested against their doing so at our expense. He acknowledged that he felt it of much more importance that the interests and safety of the people of Louisiana should be attended to, than the settlement of the political questions now agitating Mexico.

The Senator from Mississippi had told us that the individual, whose letter he had read an extract from, was a man of character and veracity. Be it so. He did not feel inclined to controvert the truth of the statement; but he must be excused if he still doubted its correctness. The individual in question did not say that he heard Santa Anna make the declaration imputed to him; nor that the British minister in Mexico had made such a statement to the informant. It was, therefore, an assertion made on the information communicated by others. And all the weight it was entitled to was, that which it might derive from the correctness of the judgment of the writer on the veracity of those from whom he had received the tale. Mr. P. said he must be pardoned if, on a question of this magnitude, he could not surrender his belief to the opinions of any man of the truth of others, more particularly when the statement itself carried with it internal evidence how highly improbable it was. He had never heard any thing more ridiculous. What was it? Why this: that Santa Anna should have declared to the British and French ministers "that he would march with his army of ten thousand men from the frontiers of the Sabine, one thousand five hundred miles, subdue four or five millions of people—and that people among the bravest and freest on earth—plant his standard on the Capitol at Washington, and tear the laurels from the brow of General Jackson." He (Mr. P.) did not quarrel with the belief of any man who gave credence to such a tale; but unless Santa Anna was an inmate of a mad-house, or a candidate for one, he did not believe he made such an assertion. The whole thing savored more of one of Baron Munchausen's stories than any thing he had lately heard. He concluded by repeating that he deprecated any thing like excitement on the question, and that he hoped the peace of the country would be preserved.

Mr. WALKER had not intended to say a word more, but he was compelled to trouble the Senate with an additional remark, in consequence of the manner in which the letter, from which he had read an extract, was referred to. He had already told the Senator from Louisiana, and he would now tell him again, that all which was contained in that letter was true. He would vouch for the veracity of the writer, who was as respectable as any Senator on that floor. The Senator from Louisiana was at liberty to read the letter itself. It was written by a gentleman intimately known to some of the Senators, who could have had no interest in giving false views, or misrepresenting the language or the movements of Santa Anna. There could not be a shadow of a doubt of the accuracy of the information. The Senator from Louisiana had replied to what had fallen from him as to apologies being made for Santa Anna. He had said that he hoped he should not hear apologies and excuses made for Santa Anna on this floor. He had not made the cap for the Senator from Louisiana. But if that Senator was disposed to take up the cap which was intended for another, let him put it on, and suffer it to be at repose there. I said (repeated Mr. W.) that I hoped there would be no apologist for Santa Anna found here, and I repeat it.

Mr. PORTER replied that the Senator from Mississippi had said that he had heard apologies made on that floor for Santa Anna. He had taken down his words at the time, and could not be mistaken. The Senator now states his meaning was, that he hoped no apologies would be made for him. To the expression of such a feeling, he (Mr. P.) had not the slightest objection; and the gentleman was perfectly free to apply that hope to him.

Mr. BROWN regretted very much to hear expressions that had been used in the course of the debate, calculated, in his opinion, to stimulate feelings in the people of this country, already sufficiently excited, and to encourage feelings of hostility against a nation with which we are at peace. He protested, for one, against entering into a crusade to regulate the internal concerns of any nation; he protested against any acts or the expression of any feelings calculated to involve us in a war with the Government of Mexico. He could attach no importance to the expressions said to have been used by Santa Anna with regard to this country; for, coming in the way it did, we could not, consistently with what was due to ourselves, notice it. When Santa Anna himself thought proper to address to this Government, through his diplomatic agents, or promulgate to the word officially, threats of the nature alluded to by the Senator from South Carolina, he should then be ready to resent them; but, coming in the shape these expressions have done, they were unworthy of our notice, and ought not to influence our judgments. They all knew how common it was in the city of Washington to hear of extraordinary declarations attributed to distinguished individuals, and how little credence was to be attached to them. He did not intend, he said, to question the veracity of the author of the letter; but he could not avoid questioning the correctness of his information.

But the gentleman from South Carolina had invoked them, in the name of liberty, to act in favor of Texas; not at this time, for he considers it premature, but when the proper time should arrive. Was the honorable gentleman very certain that they would favor liberty

by engaging in war in behalf of Texas? What had these Texans done to require that we should embroil ourselves in a war with a country with whom we are on terms of peace, in order to favor their cause? They had gone from a land of liberty to a land of despotism; they had cut asunder the ties which bound them to the freest and happiest country on earth; and, although they had our sympathies, they had voluntarily relinquished all claims to our support.

But it was said that Santa Anna had overthrown the republic of Mexico, trampled on the constitution, and established a despotism; and that therefore we should support the Texans. We were (said Mr. B.) the last people on earth who should meddle with the internal concerns of another nation. If there was any one principle of national law more sacred than another, it was, that one nation ought not to interfere with the internal policy of its neighbor. If we set him the example, Santa Anna might take it into his head, or another foreign Government might do so, that we too were in need of reformation; that our institutions were not such as conformed to their opinions; and we might have a war on our hands, brought on us by the very example we had set. He was utterly opposed to any thing of the kind. What! (said Mr. B.) shall we become propagandists? Shall we have scenes here at this Capitol such as were witnessed at Paris in the French revolution, when individuals representing every country in Europe appeared before the National Assembly, and called on them to liberate them from their oppressors? Shall we have another Anacharsis Cloots preaching a crusade in favor of the oppressed all over the world? We are now (Mr. B. said) in a state of peace and unexampled prosperity; and shall we pursue any course calculated to jeopard that peace and impair that prosperity? He thought it due to the importance of the subject to throw out these few observations; he viewed the subject as pregnant with important consequences, and considered that our best interests depended upon pursuing a prudent and cautionary course.

Mr. MOORE said, from the general tenor of the remarks of the Senator from North Carolina, [Mr. BROWN,] we might be led to infer that a very different proposition had been submitted from the one now pending. No proposition had been proposed involving the neutrality of the Government, or jeoparding the peace of the country; yet an inference of this kind was fairly to be inferred from the course of his remarks.

Mr. M. said he was very sorry when a petition of a similar kind had been presented on a former occasion by one of the Senators from Ohio, coming from the citizens of Cincinnati, that an effort should have been made then, as was now made, to give the go by to this proposition, and cast some damper upon the feelings of the patriotic and brave Texans. He regretted that the proposition to lay that petition on the table (which, as far as it signifies any feeling, was an expression unfavorable to the cause of the Texans) should have come from the quarter it had.

Sir, (said Mr. M.,) when petitions are presented here demanding of Congress to abolish slavery in the District of Columbia without the consent of the owners of such slaves, and a proposition is submitted to refuse to receive such petitions because Congress is considered as having no constitutional power to meddle with the matter, and that it would be highly impolitic, even if they had the power; then gentlemen can rise and talk loud and long about the right of a citizen to petition for the redress of grievances, &c.; and they imagine they see a violation of the constitution in an effort to close the door to these petitions. Now, (Mr. M. said,) he was unwilling to extend to these petitioners less respect than had been shown to abolition petitioners. He was willing to go further, and have these petitions referred to an enlightened committee.

But, said he, we have been admonished against the propriety of using reproachful epithets towards the head of the Mexican Government. And he hoped he would be pardoned if, in his feelings, he should not be able to regard such admonition. He did not hesitate to say that Santa Anna's deportment towards the Texans had been not only marked by the violation of all rules of civilized warfare, but by a ferocity and barbarity—not to say a violation of solemn pledges—which were not only dishonorable, but even beyond what might have been looked for from a Camanchean savage.

Mr. M. said some remarks had fallen from the Senator from North Carolina [Mr. BROWN] as to the character of the Texan war, which he thought were not only not called for, but not authorized. The Texans were engaged in an unequal and fearful contest—in the defence of a republican constitution and liberty against a military despot. A company of gentlemen of high respectability, in the county in which he resided—his neighbors—had been prompted to volunteer in this cause from feelings of honorable sympathy and patriotism, and were now under the Texan banner, if not sacrificed; and he hoped they were not, for he wished them success most cordially. He could not think they were obnoxious to any censure or expression of feelings such as the Senator from North Carolina [Mr. BROWN] had gratuitously made.

Mr. M. said he had had the honor of a seat on the floor of the other branch of the national Legislature when the honorable Senator from Massachusetts [Mr. WEBSTER] had submitted his important proposition to aid the suffering Greeks; he had heard him then with much pleasure; and he could not see any thing in the present proposition so reprehensible as he had intimated. He was not disposed to violate treaties or international law, nor to compromit the neutrality of the Government; but was willing an investigation should be made, and was willing to do whatever could be done with propriety. But the Senator from South Carolina [Mr. PRESTON] had expressed his views more fully and eloquently than he was able to do, and he therefore would not trespass longer.

Mr. BUCHANAN said he had received several memorials from the city of Philadelphia of the same character as those which had been presented by the Senator from South Carolina, [Mr. PRESTON.] He had intended to present them this morning to the Senate, but was prevented from doing so at the proper moment by an accidental circumstance. It was also his intention to have accompanied their presentation by some remarks. These he thought it best to offer now, rather than to wait until to-morrow morning, and then become instrumental in getting up another debate. These memorials asked Congress "to recognise the independence of Texas, and at such time, and in such manner as may be deemed proper, to interpose to terminate the conflict which now rages in that country."

In some remarks which he had submitted to the Senate a few days since, and which, like all other proceedings in this body, had been much misrepresented abroad, he had indulged the feelings of a man and an American. What he then had uttered were the sentiments of his heart in relation to the existing struggle in Texas. But, when he was called upon as a Senator to recognise the independence of that country, he thought it prudent to refer back to the conduct of our ancestors, when placed in similar circumstances, and to derive lessons of wisdom from their example. If there was any one principle of our public policy which had been well settled—one which had been acted upon by every administration, and which had met the approbation not only of this

country, but of every civilized Government with which we have intercourse—it was, that we should never interfere in the domestic concerns of other nations. Recognising in the people of every nation the absolute right to adopt such form of government as they thought proper, we have always preserved the strictest neutrality between the parties in every country whilst engaged in civil war. We have left all nations perfectly free, so far as we are concerned, to establish, to maintain, or to change their forms of government, according to their own sovereign will and pleasure.

It would, indeed, be surprising—and, more than this, it would be unnatural—if the sympathies of the American people should not be deeply, earnestly enlisted in favor of those who drew the sword for liberty throughout the world, no matter where it was raised to strike. Beyond this we had never proceeded. The peaceful influence of our example upon other nations is much greater. The cause of free government is thus more efficiently promoted than if we should waste the blood and treasure of the people of the United States in foreign wars, waged even to maintain the sacred cause of liberty. The world must be persuaded—it cannot be conquered. Besides, we can never, with any proper regard for the welfare of our constituents, devote their energies and their resources to the cause of planting and sustaining free institutions among the people of other nations.

Acting upon these principles, we have always recognised existing Governments, or Governments *de facto*, whether they were constitutional or despotic. We have the same amicable relations with despotisms as with free Governments, because we have no right to quarrel with the people of any nation on account of the form of government which they may think proper to adopt or to sanction. It is their affair—not ours. We would not tolerate such interference from abroad, and we ought to demean ourselves towards foreign nations as we should require them to act towards ourselves.

A very striking illustration of this principle has been presented, during the present administration, in the case of Portugal. We recognised Don Miguel's Government, because he was *de facto* in possession of the throne, apparently with the consent of the Portuguese people. In this respect, Mr. B. believed we stood alone, or nearly alone, among the nations of the earth. When he was expelled from that country, and the present Queen seemed to be firmly seated upon the throne, we had no difficulty, pursuing our established policy, in recognising her Government.

A still more striking case, and one to the very point in question, had occurred during Mr. Monroe's administration. The Spanish provinces throughout the whole continent of America had raised the standard of rebellion against the King of Spain; they were struggling for liberty against oppression. The feelings of the American people were devotedly enlisted in their favor. Our ardent wishes and our prayers for their success continued throughout the whole long and bloody conflict. But we took no other part in their cause, and we rendered them no assistance, except the strong moral influence excited over the world by our well-known feelings and opinions in their favor. When did we recognise their independence? Not till after they had achieved it by their arms; not until the contest was over, and victory had perched upon their banners; not until the good fight had been fought and won. We then led the van in acknowledging their independence. But until they were independent in fact, we resisted every effort, and every eloquent appeal which was made in their behalf, to induce us to depart from the settled policy of the country. When the fact of their actual independence was established, we then, and not till then, did acknowledge it.

He would rejoice should similar success attend the arms of the Texans. He trusted they would yet conquer their independence against the myrmidons of Santa Anna. In that event, there was no man in the country who would vote more cheerfully to recognise it than himself. Until that time should arrive, he must continue to act upon the firmly established principle which had been our guide for nearly half a century.

Mr. B. believed that no President of the United States had ever been more strongly convinced of the necessity of maintaining this principle inviolate than General Jackson. His whole conduct towards foreign Governments had made this manifest. Whilst he requires justice from all, he treats all with justice. In his annual message at the commencement of the present session, he informed Congress that instructions had been given to the United States district attorneys to prosecute all persons who might attempt to violate our neutrality in the civil war between Mexico and Texas. He also stated that he had apprized the Government of Mexico that we should require the integrity of our territory to be scrupulously respected by both parties. He thus declared to the world not only that we had determined to be neutral between the parties, but that our neutrality must be respected by both. This affords abundant evidence of his disposition neither to interfere with the internal concerns of other nations, nor to submit to any violation of the law of nations by them. Mr. B. entertained not a doubt that this line of conduct, which he had marked out for himself in the beginning, he would pursue until the end, so far as the executive Government was concerned.

It was obviously necessary to concentrate a strong military force on the confines of Texas, not only to enforce our neutrality, but to protect the lives and property of our fellow-citizens. This had been done; but the commanding General had been strictly prohibited from acting except on the defensive.

Such a force is absolutely necessary to preserve inviolate our treaty with Mexico. Under it, we are bound to maintain peace among the Indian nations along the frontier of the two countries, and to restrain the Indians within our territory by force, if that should become necessary, from making war upon Mexico. This obligation is reciprocal, and binds both parties. If the Indians from Texas should be let slip upon our frontier; if they, or Santa Anna, or any other power, should attempt to invade our territory, then every American would say, Repel force by force, and return blow for blow. Our cause and our quarrel would then be just.

But let us not, by departing from our settled policy, give rise to the suspicion that we have got up this war for the purpose of wresting Texas from those to whom, under the faith of treaties, it justly belongs. Since the treaty with Spain of 1819, there can no longer be any doubt but that this province is a part of Mexico. He was sorry for it; but such was the undeniable fact. Let us then follow the course which we had pursued, under similar circumstances, in all other cases.

Mr. B. said his blood boiled whilst contemplating the cruelties and barbarities which are said to have been committed by the Mexicans in this contest. The heart sickens and revolts at such a spectacle. But, as an American Senator, he could give the Texans nothing except his prayers and his good wishes. Mr. B. concluded with presenting the petitions to which he had referred.

Mr. SHEPLEY hoped the Senate would not agree to print the memorials. He protested against giving the countenance of publicity to these petitions, which call upon the Government to interfere between Mexico and Texas, and thus to destroy that neutrality which it is the obvious policy of the United States to preserve. He would not consent to give any sanction to the opinions of these petitioners, that our neutrality ought to be compromised.

The petitions had been presented, and read, and discussed, and had thus passed through all the customary processes; and nothing more was necessary, unless it was desired to influence public opinion against the Mexicans. He would not be instrumental in propagating such sentiments, because they were perfectly erroneous. Expressions had fallen from gentlemen in the Senate, which, perhaps, it would have been better had they been better considered. He did not understand, by the language of this letter which had been read, that Santa Anna gave it to be understood that he intended to come to Washington in the attitude of an aggressor; but if we are the aggressors in the first instance, that he would then pursue the troops to Washington. There had been a disposition manifested, and he was sorry to see it so prevalent, to mix up the general Government of the United States in this controversy, to hurry us into a state of war with Mexico. But, in his opinion, we had no reason for war. He would as soon expend his sympathies upon one of the two political parties which are now disturbing the tranquillity of Spain, as permit them to be interested in the conflict between Mexico and Texas. It was a war of the same barbarous character in one country as well as the other, and there was no good reason why the feelings of the citizens of the United States should not as well be roused in reference to old Spain as to Mexico, especially as the Government of old Spain had done at least as much for liberty as that of Mexico. For one, he was wholly opposed to giving the least countenance to the opinions expressed in these memorials. We had nothing to do with the contest; no more to do with it, and should have no more feelings excited concerning it, than we have for all those who are oppressed by their Governments on the other side of the globe. We have nothing to do beyond the defence of our own rights and liberties; and the most cautious policy is advisable in order that we may not compromise our neutrality at all. He did not mean to say that to indulge our sympathies was wrong. They may have been raised entirely by the perusal of the cruelties perpetrated in Texas. He hoped it was so. But it was possible there were other matters and motives which had their influence in operating on the feelings of a great number; and, if so, any sympathies arising from such a source were unworthy of respect and consideration. He hoped the memorials would not be printed.

Mr. WEBSTER expressed his hope that the memorials would be printed, because the refusal to print might be construed into a mark of disrespect. He hoped the Senator from Maine would not press his opposition to the motion, as he thought it best to avoid even the appearance of disrespect to the memorialists. He had only further to say that he had heard no Senator offer any apology or excuse, on this floor, for the person at the head of the Mexican Government, for any act, or any imputed act, of barbarous or cruel conduct. He repeated his hope, however, that Senators would not indulge in the expression of offensive epithets in reference to that person, until they knew something certainly in regard to his conduct which would warrant such language.

The motion to lay the memorials on the table, and to print them, was then put, and decided in the affirmative.

WESTERN FRONTIER.

The Senate, on motion of Mr. BENTON, took up the bill from the other House, authorizing the President of the United States to accept the services of volunteers, and to raise an additional regiment of dragoons or mounted riflemen.

There was some discussion in reference to this bill, in the course of which the bill was amended so as to authorize the number of volunteers to be raised at 10,000 men, and to confine themselves to repelling Indian invasions.

On motion of Mr. PRESTON, the authority given to the President in these words: "and shall appoint the necessary officers," was amended by adding "above the rank of captain, which appointments shall be submitted to the Senate for its advice and approval at its next session."

Mr. SWIFT moved to recommit the bill.

Mr. NICHOLAS moved to add to the motion an instruction to report the bill with a provision to raise the army to the same peace establishment as that in which it was placed at the termination of the war in 1815.

The question being taken on the motion of Mr. NICHOLAS, to add instructions, the motion was negatived.

The bill was then recommitted.

On motion of Mr. SHEPLEY,

The Senate adjourned.

TUESDAY, MAY 10.

RELATIONS WITH FRANCE.

The following message was received from the President of the United States:

WASHINGTON, *May* 10, 1836.

To the Senate and House of Representatives:

Information has been received at the Treasury Department that the four instalments under our treaty with France have been paid to the agent of the United States. In communicating this satisfactory termination of our controversy with France, I feel assured that both Houses of Congress will unite with me in desiring and believing that the anticipations of the restoration of the ancient cordial relations between the two countries, expressed in my former messages on this subject, will be speedily realized. No proper exertion of mine shall be wanting to efface the remembrance of those misconceptions that have temporarily interrupted the accustomed intercourse between them.

ANDREW JACKSON.

The message was laid on the table.

NAVY BILL.

On motion of Mr. SOUTHARD, the bill making appropriations for the naval service for the year 1836, was taken up as returned from the House of Representatives.

All the amendments of the House were concurred in, on motion of Mr. SOUTHARD, excepting part of the following amendment made by the House:

"The President of the United States be, and he hereby is, authorized, if in his opinion the public interest shall require, to send out a surveying and exploring expedition to the Pacific Ocean and South Seas: and for that purpose to employ a sloop of war, and to purchase or provide such other small vessels as may be necessary and proper to render the said expedition efficient and useful; and, for this purpose, the sum of one hundred and fifty thousand dollars be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; and, in addition thereto, if necessary, the President of the United States is authorized to use other means in the control of the Navy Department, not exceeding one hundred and fifty thousand dollars, for the objects required."

Mr. SOUTHARD moved to strike out so much of the above amendment as is contained in the following words: "if in his opinion the public interest shall require."

On this proposition Mr. HILL asked for the yeas and nays, which were ordered; and the question being taken on Mr. SOUTHARD's motion, it was decided as follows:

YEAS—Messrs. Benton, Black, Clay, Clayton, Davis, Ewing of Ohio, Grundy, Hendricks, Hubbard, Kent, Knight, Leigh, Linn, Naudain, Niles, Prentiss, Rives, Robbins, Ruggles, Shepley, Southard, Swift, Tallmadge, Tomlinson, Walker, White—26.

NAYS—Messrs. Hill, King of Georgia, Wright—3.

The amendment of the House, as amended, was then concurred in.

SPANISH CONVENTION.

On motion of Mr. CLAY, the Senate took up the bill to carry into effect the convention between the United States and Spain.

This bill had been reported from the Committee on Foreign Relations, with an amendment striking out the whole of the bill from the House, and inserting the Senate bill, which provides that the funds received under the treaty referred to should be distributed by the Attorney General instead of a board of commissioners; which amendment, after some explanation by Messrs. CLAY, TALLMADGE, and WHITE, was agreed to.

Sundry amendments were proposed by the committee to amend verbally, so as to strike out in several parts of the bill the words "commissioners and their officers," and insert the words "Attorney General and his secretary."

The amendments were then ordered to be engrossed, and the bill to be read a third time.

After taking up and disposing of a large number of other bills,

The Senate adjourned.

WEDNESDAY, MAY 11.

MEXICO.

Mr. CLAY, from the Committee on Foreign Relations, to which was referred the message of the President of the United States concerning an additional article in the treaty with Mexico, reported a bill to provide for carrying into effect the treaty of limits with the Government of Mexico; which was read, and ordered to a second reading.

Mr. CLAY said that the bill was in exact conformity with the former one, and was intended to revive the commission which had expired in consequence of the expiration of the treaty. The Committee on Foreign Relations were desirous that it should pass without delay. There was a peculiar propriety in so passing it, resulting from our existing relations with Mexico. A survey was to be made; and we were endeavoring to ascertain, as precisely as possible, the true boundary line between that country and our own. In the mean time, the General commanding our forces in that quarter had taken up a position in or near this disputed territory. Existing circumstances were such as to make it absolutely necessary that proper officers should be authorized to carry out the provisions of the treaty; thereby evincing the sincerity of our intentions, and the fidelity with which we adhered to our engagements.

The bill provided for the services of a commissioner and surveyor, but not for those of a clerk. A provisional appropriation was introduced, however, to pay the salary of such officer, and the Executive empowered to appoint him if it was deemed necessary.

The bill was then read a second time, and was ordered to be engrossed for a third reading.

RESCINDING A RESOLUTION.

Mr. WHITE's resolution, offered some time since, on the subject of rescinding the resolution of March, 1834, which Mr. BENTON's resolution proposes to expunge, being taken up and read—

Mr. WHITE said he wished to have an opportunity to take the sense of the Senate on this resolution during the present session, and he should feel it to be his duty to present the views which his own mind had taken of the subject. But as he did not wish to retard the progress of the appropriation bills, if any gentleman desired to bring forward an appropriation bill, he would postpone his resolution.

Mr. BENTON signifying a wish to take up the fortification bill,

On motion of Mr. WHITE, the resolution was postponed, and made the special order for Monday next.

FORTIFICATION BILL.

On motion of Mr. BENTON, the bill making appropriations for the purchase of sites, for the collection of materials, and for the construction of fortifications, was taken up.

On motion of Mr. BENTON, the following items were stricken out of the bill in pursuance of the recommendations in the report of the Secretary of War:

For fortifications at Provincetown, - -	$50,000
For works on the Delaware, at the outlet of the Chesapeake and Delaware canal, -	50,000
For fortifications to cover the artificial harbor at Cape Henlopen, - - - -	150,000
For a fort at Cedar point, on the Patuxent river, - - - - -	100,000
For fortifications at the mouth of the St. Mary's river, Georgia, - - -	50,000
For steam batteries, to strike out the appropriation of $660,000, and insert $100,000, making a deduction in this item of -	560,000

Mr. BENTON moved further to amend the bill by adding an additional section making an appropriation of $30,000 for defraying the expenses of a board of officers to examine sites, make surveys, &c., for the purpose of ascertaining the best plan of fortifications, and the most eligible situations for them; which motion was carried.

Mr. BENTON then submitted the following amendment:

To strike out $101,000 for fortifications at Penobscot bay, and insert $75,000 for the year 1836, and $75,000 for the year 1837.

Mr. B. observed that this was in pursuance of the recommendations of the Secretary of War, that when appropriations are to be made for fortifications, it would be better for the public service to make the whole appropriation at once, so that the officers might know the extent to which they were to go, and that the works might not be delayed by waiting for appropriations, as had been the case heretofore. The principle introduced in this bill was to provide in one year for what was proposed to be done in two years. The object was to prevent delay in commencing the work early in the season. The officers employed to carry it on would have time to engage persons to do it, and to invite competition; whereas, when delayed till the summer, they had to employ laborers at an advanced price; and the consequence was, that the same amount of work cost the Government more than it ought to do.

Mr. WHITE understood the recommendations of the Secretary of War were to appropriate such sums as would be necessary to finish the fortifications already commenced, and to re-examine the whole system under a board of examination for that purpose. He believed we ought to re-examine it to see whether the plan might not be reduced to one of greater economy. In his (Mr. W's) view, they ought to strike out every appropriation to new fortifications in the bill. [Mr. BENTON here remarked, there were none but new forti-

fications in the bill.] To which Mr. W. replied, that he then would go for striking out the whole. The Secretary of War, in his report, had said that, "before any expenses should be incurred for new works, a thorough re-examination should be made," and that he would organize a board for that purpose. And as to all those places where he was certain that fortifications would be necessary, he had pointed out a re-examination of them, to see whether an improvement in the plan might not be made, and had recommended the amount necessary to be expended for those objects. But in no case of new fortifications had he recommended an appropriation without a re-examination. Mr. W. was opposed to the principle of making appropriations for a series of years. If made from year to year, their expenditure could be better examined; and so careful were the framers of the constitution on this point, that there was an express prohibition that appropriations should be made for a longer period than two years. He was opposed to all new appropriations until they had the benefit of new and improved plans.

After some remarks from Mr. RUGGLES,

Mr. SOUTHARD said that the position in which the bill under consideration was now placed induced him to make a very few remarks, his views on the bill having been pretty fully given on a former occasion.

When this bill was taken up this morning, the Senator from Missouri [Mr. BENTON] had moved to strike out various appropriations, amounting to something more than a million of dollars, making a reduction of that sum from the amount of appropriations in a bill which they were so confidently called on a short time since to support. He thought that, perhaps, by a little further delay, they might possibly find another million stricken out. So far as it regarded the million having been stricken out, he had no objection, and would not have objected to the process being carried on further.

There was now a new principle proposed, which was, that the new works be commenced, and appropriating the whole amount, and dividing it into two years, and the next appropriation into three years. He (Mr. S.) had at least doubts as to new fortifications being commenced before old ones were completed. He believed it to be the true policy of the country to complete the old ones first, because they were the primary ones, and the most important to the country, and, if neglected, will fall to ruin. He would have no difficulty in voting for appropriations to complete them, provided they were not so large as that they could not be economically expended. As no appropriations were made last year, it would perhaps be proper to increase the ordinary appropriations for this year. But there was a certain limit beyond which they could not go, without they were regardless of economy. He felt reluctant to commence any new fortifications, unless they could go on with the old ones; and, according to the reports, they could not command the labor of the country beyond the completion of the old fortifications, without pressing upon the business and interests of the country. He was of the opinion that all that could be expended the present year, might be expended in completing and arming the old fortifications. If it were true that injustice had been done to Maine, or that injustice had been done to New Jersey, let justice, he said, be done to them hereafter. Mr. S. spoke of a change in the opinions of public officers in regard to the system of fortifications, and of the great number of men necessary to be armed in occupying them. Every day was adding nerve to the arm of our defence in our increase of wealth and population, and there was consequently a great change in the necessity of carrying out that system to its full extent. Then the difficulty was, as to what point they should stop at. The Secretary of War did not think it necessary to carry on that system. Take Penobscot, or any other place mentioned in the bill; and, he asked, was the system of fortification proposed for that point precisely such as they would adopt at this day? He regarded that amendment, offered this morning, in relation to the board of officers, worth more than the whole bill. Mr. S. said the time would come when our whole coast would be defended with steam. Our batteries on the coast would be floating batteries, instead of batteries on land. Batteries on our inlets and peninsula bays, as they were termed, would be worth more than in any other location. They needed information on both these points. The Senator from Maine, in speaking of the delay of the defences of the country, had asked where was the fortification bill? He (Mr. S.) too asked where it was? He meant the ordinary fortification bill. Here was a bill on their tables, not originating in the House of Representatives, where the fortification bill usually originated, but which was called a fortification. He understood the ordinary fortification bill was now on their tables, and he would therefore prefer that this bill should be delayed until it was acted on. He must vote against this whole bill, if compelled to vote now, with the exception of the provisions for surveys and steam batteries. He intended to propose that the bill be laid on the table: as a million of dollars of the appropriation had been stricken out, he was not prepared to say what would be the effect on the remainder.

Mr. WHITE thought that it would be very unwise to adopt any plan for fortifications which there was danger they might have to abandon hereafter. The plan ought to be well considered, estimates and surveys furnished, and all the necessary information obtained from scientific and practical men, before they commenced expenditures for such important works as were intended to endure for ages. It would be remarked, that when the report of the Secretary of War was brought in, two plans were before Congress: one was, the bill making appropriations for entirely new works, then before them; and the other was the customary fortification bill, making appropriations for such fortifications as were already in a state of progress. Upon looking at the report, it plainly appeared that the Secretary recommended (all apprehensions of a war with a foreign power having ceased, and there being full time for the necessary preparations and examinations for new works) that appropriations for these should be suspended till such examination were made; while he advised that they should progress, as rapidly as circumstances would permit, with the works already begun. Immediately after, the Secretary recommended the creation of a board of officers for the examination, as well of the old works as for surveys and examinations for contemplated new ones, to determine on the best plans for improving the one and for commencing and completing the other. The Secretary also said, that if the appropriations were early made, most of the new works could be put in operation this season: but he went on to add, that, unless the corps of engineers were increased, it would be unnecessary to make any appropriations, because the number of officers now in the corps was barely sufficient to attend to the completion of the old works; and as there would be no officers to superintend the disbursement of the money, it must lie idle. Mr. W. here made quotations from the report of the Secretary of War. His interpretation of this report was, that the Secretary recommended that they should create this board of officers for examinations and surveys, and, in the mean time, appropriate $100,000 for making experiments for the improvement of steam batteries, and go on as rapidly as possible with the old works. We would then get the advantage of all the improvements in steam machinery that were advancing from day to day, have the benefit of the information and suggestions of

this board of officers, and, at the same time, have the country protected to a considerable extent by the completion of the old works. Why should they, he asked, deprive themselves of all these advantages, at a time when there was no prospect of hostility from any foreign Power, by unnecessary haste? It did seem to him that it would be an unwise and improvident expenditure of money to commence any new works that they might find it necessary hereafter to abandon, because not adapted to the situation of the country, the improvements of the age, and the purposes for which they were intended.

Mr. SHEPLEY contended that the opinion of the Secretary of War had been misconstrued. He thought the Secretary had declared the reverse of an opinion that we should not proceed with new fortifications during the present year. Mr. S. adverted to the language of the report of that officer, in which he had said that it could not be doubted that fortifications at certain points, designated in this bill, would be necessary; and that it would be to the interest of the country that they be constructed. Here, then, was a decided opinion expressed in favor of these new fortifications; and let the vote be what it might, he hoped, if it was against the bill, it would not be claimed to be based on the position that it was in accordance with the recommendation of the Secretary of War. There was none so blind as those who would not see. But for those who desired to come to the light in regard to the fortification at Penobscot bay, they would find that all had been done there that could throw any light on the subject. An examination in detail had been made, and no further knowledge could be acquired. They had all the necessary information before them now, in relation to the necessity, importance, and expense of the work.

Mr. SOUTHARD said, as there had been upwards of a million of dollars of the appropriations stricken out of the bill by various amendments, which changed the features of it, and in order that they might better understand the bill as amended, he would move to lay it on the table, and that it be printed in its amended form.

Mr. WEBSTER said he wished to see the bill as it then stood, and hoped the motion to print would prevail.

Mr. BENTON observed that it was wholly unnecessary to lay the bill on the table for the purpose of printing it. Any gentleman might in a moment see it in the shape in which it then stood, by getting from the Secretary the items that were stricken out, and drawing his pen through them on the bill which belonged to his file.

Mr. EWING moved that the Senate adjourn: lost—Ayes 17, noes 21.

Mr. SOUTHARD then withdrew his motion to lay the bill on the table, and moved to print the amendments.

This motion was also lost: Ayes 17, noes 21.

On motion of Mr. KING of Alabama, the Senate then proceeded to the consideration of executive business; after which,

It adjourned.

THURSDAY, MAY 12.

FORTIFICATIONS.

The bill making appropriations for the purchase of sites, the collection of materials, and for the construction of fortifications, was taken up as the special order of the day; the question being on Mr. BENTON's motion to strike out the appropriation of $101,000 for fortifications at Penobscot bay, and to insert in lieu thereof $75,000 to be applied to the same object in the year 1836, and $75,000 in the year 1837.

Mr. CALHOUN was not disposed to depart from the usual course of legislation in this case. Bills for fortifications usually originated in the House of Representatives, and the Senate could add to or reduce the amount of appropriations contained in them, as they thought proper. They had before them two propositions: to complete old and to erect new fortifications. He thought they ought, as far as possible, to complete the old fortifications before new ones were taken up. By pursuing the course indicated, which was that of waiting for the action of the other House, it would prevent confusion, caused by the Senate sending their fortification bill to the House of Representatives, and the House of Representatives sending theirs to the Senate; while both branches would be acting on the same subject in distinct bills. Mr. C. then moved to lay the bill on the table.

Mr. BENTON demanded the yeas and nays.

Mr. CLAYTON thought the Senator from Missouri [Mr. BENTON] would jeopardize the bill by taking it up now, when the Senate was so thin, and suggested whether it would not be better to let it lie over until to-morrow.

Mr. BENTON said the Senator from Delaware had shown a disposition throughout to go on with the fortifications, and had manifested that disposition while serving with him on the committee; and there was no one to whose suggestions he would listen with more respect than his. But, under the circumstances, he was not willing to postpone it any longer.

Mr. CALHOUN was not disposed to elude the question, but wished to meet it fairly.

Mr. CALHOUN's motion was then rejected—yeas 17, nays 22, as follows:

YEAS—Messrs. Calhoun, Clayton, Crittenden, Davis, Ewing of Ohio, Kent, Knight, Leigh, Moore, Naudain, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, White—17.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Georgia, Linn, McKean, Morris, Nicholas, Niles, Rives, Ruggles, Shepley, Tallmadge, Walker, Wall, Wright--22.

Mr. BENTON observed that the fairest way of getting at the whole matter would be to take the question suggested by the argument of the Senator from Tennessee yesterday; that was, on a motion to strike out all the new works. This would be the best way of getting at the sense of the Senate; and he would withdraw his amendment, in order to give the gentleman an opportunity of making a motion to that effect.

Mr. WHITE would not submit any motion to strike out; and if any of the fortifications were to be retained, he was inclined to think there was as much merit in the fortifications at Penobscot bay as any other. His objections were to appropriating the whole sum in gross, to be expended in different years. He had made no motion, and would not make any now.

Mr. BUCHANAN said the report of the Secretary of War on the subject of fortifications was one of the ablest state papers he had ever read. He believed it had met with the decided approbation of every member of the Senate. The views of the Secretary were practical, and commended themselves to the common sense of all of us, whether military men or not. The principles established by that report were, that it would be vain and impracticable for us to attempt to erect fortifications along our coast at every point where an enemy might effect a landing; and if we even could do so, it would render a large standing army necessary to provide them all with garrisons, and would thus be in opposition to the genius of our institutions. That fortifications should only be erected to defend our commercial cities from the attack of an enemy; and these ought to be constructed merely for the purpose of resisting an assault by sea; because it was not to be imagined that an enemy would

or could ever sit down before them on the land side, and besiege them regularly, according to the European custom. The principles of this report would not only reduce the number of our fortifications, but their size, and consequently the expense of their construction. This, with him, was an important object, as he should never be willing to involve the country in unnecessary expenditures, merely because we had a large surplus in the Treasury.

What, then, did the present bill, as it had been amended, propose? Simply to appropriate money for the erection of those fortifications which had been specially recommended by the Secretary of War as necessary for the defence of our commercial cities. Was there a single Senator who did not admit that it was necessary to erect fortifications at the proposed points? He believed we were unanimous upon this subject. Then what was the question? It was one merely of time. Shall we appropriate the money this year, or wait until the next? For his part, he was ready and willing to concur in what he understood to have been distinctly recommended by the Secretary, and make the appropriations at once. It was true that he had also suggested the propriety of establishing a board of engineers for the purpose of making further surveys and examinations before any of the works should be commenced, and had asked an appropriation for this purpose. But why should we delay making the appropriations for the construction of the works until this was done? Several of these fortifications had been already surveyed; and, in regard to these, all that was necessary, before commencing their construction, was to reduce their dimensions to the standard of the report. As soon as this was done, they might be commenced immediately. At an early period of the session, we had resolved unanimously in favor of making all necessary appropriations for the defence of the country. The Treasury was now full; and he could perceive no good reason for postponing until the next year what we might as well, and better, do at the present session. Let us place the money at the disposition of the Department, and let the fortifications be commenced as soon as the preliminary surveys could be completed.

Mr. EWING concurred with the Senator from Pennsylvania as to the general import of the report of the Secretary of War; and also concurred with him in the opinion that it was a very able state paper. He further agreed with the Senator from Pennsylvania, that the question as to the construction of these fortifications was the proper time for commencing them. Now, from all he could gather from the report of the Secretary, it appeared that there would be no advantage to be obtained by commencing these works at this time; and that it would be a departure from the well-established policy of this Government to go on with them before making the necessary surveys and estimates. It would appear from the Secretary's report that there were certain works which did not need examination; but, on turning to another page, it would be seen that the Secretary says that a re-examination should be made in every case, "in order to apply these principles." The Secretary told them that the whole plan was originally deficient, though well adapted to the situation of the country at the time; but that it was now inefficient, and ought to be changed. Mr. E. continued his objections to making appropriations for new works before the necessary surveys and estimates were made, and contended that they ought to wait for the result of the examinations of this board of officers to be appointed on the recommendation of the Secretary of War. If this bill should now be passed, it would take some time to get it through the other House. The bill to increase the corps of engineers must also be passed by that body; and it would take some time to get them together and instruct them; and, therefore, under all these unavoidable delays, no use could be made of the appropriations this season. It appeared to him that these appropriations at this time would only have the effect of changing the deposites of the public moneys in the deposite banks from the name of the United States to the names of the disbursing officers. It would be nothing more; for the money must remain in these banks without a possibility of using it.

Mr. PRESTON said that laborers had by this time probably made their arrangements for employment during the season, and no doubt great inconvenience would arise in procuring them; and if procured, it would be at an increased expense. There were two fortification bills: one emanating from the Military Committee, designating the points of location; and the other from the Committee on Finance, making the necessary appropriations. Heretofore the practice had been for the other House to originate these bills; and the fault of the delay was not properly the fault of the Senate, but of the House of Representatives. The Senate now went into the consideration of one branch of this subject, while they were left in the dark in regard to the other. The Military Committee, at the commencement of the session, found us under peculiar circumstances. We were then threatened with a war, and, fearing the House might not get a bill up in time to meet the emergency, had brought this bill forward; but now matters were changed. The temper and judgment which characterized the report of the Secretary of War was such, that he was much disposed to acquiesce in its recommendations, and he very much distrusted his own judgment when differing from him in this matter. He differed from the Senator from Ohio [Mr. EWING] in regard to the construction he had put upon the report; and the President concurred in opinion with the Secretary of War against the opinion of the engineers.

There were certain fortifications which had been excepted by the Secretary of War in his report, who had suggested the prosecution of them under the peculiar circumstances with which they were identified, and had therefore acquiesced in the prosecution of some of the fortifications, while he rejected others. He could not tell how far the principles laid down by the Secretary would be retained in the provisions of this bill; but he inferred that the general purpose of the Secretary was, that Congress should examine this matter with full deliberation; and the general conclusion was, that the principles laid down by him should be deliberately applied to all these works. He had come to the conclusion that the Secretary believed those works which he had designated might be carried on under the direction of the Government on certain contingencies, and that future changes might be made which would require a corresponding change of plans to meet them. In regard to many of these works, plans of them had been frequently approved, and the estimates of the necessary labor stood a matter of record for the last twelve or fifteen years. Most of those of the first class had been completed; and the present bill proposed to carry into completion those of the second class, and part of those of the third class. Penobscot and Kennebec were of the third class, and also the fortification at Provincetown, at Cape Cod. He believed Provincetown ought to have been of the first class, as it was of primary importance; but the Secretary of War had differed from this classification; and the President, looking directly to the question, had decided with the Department, and differed from the bureau. The idea of defending the coast by steam was not new, but was as old as 1816, although a new and more powerful application of it had been invented. The springing up of new towns and cities, the development of new energies, and the rapid improvement of the country, had already produced a change in

the state of things different from what existed when the original plan of fortifications was adopted.

Mr. P. went into an inquiry as to the length of time that would be required to put up these buildings. The Secretary of War, he said, had recommended that a general appropriation be made, so that as soon as works were found to be necessary at any given point, they should be commenced, with a view to a gradual completion; and the chairman of the Military Committee [Mr. BENTON] had moved, in pursuance of those recommendations, to change the appropriations to Penobscot from $101,000, to be expended in one year, to $150,000, to be expended in two years, and the appropriation to be divided into $75,000, to be expended in each year. It was proposed to commence from the stump, and finish that work in eighteen months. Heretofore, it had been the practice of Congress, in undertaking a series of works, to adopt the mode of appropriating a yearly amount at every session, by which the subject annually passed the ordeal of examination by a committee. This pledge to make these appropriations for a series of years was different from an appropriation for the fiscal year; and he would prefer that so much for 1836, and so much for 1837, should be particularly specified; and when they had acted on this amendment, he would offer some suggestions in relation to the proposed fortifications at Kennebec.

Mr. NAUDAIN moved to amend the amendment by striking out the $75,000 for the year 1837, leaving the $75,000 for the year 1836.

Mr. N. then observed that the reasons which induced him to make this motion were drawn from the report of the Secretary of War, which recommended that surveys should be made before commencing any new works. He believed, also, that one half of the appropriation would be sufficient to keep the workmen in employment for the remainder of this year, and until the middle of the next. For one, he was opposed to making appropriations for so long a time in advance.

Mr. SHEPLEY showed that different reports and examinations had been made in regard to the fortifications at Penobscot bay. That the Department could never make contracts beyond the appropriation, was a regulation well understood. It was judged this fortification would cost $150,000, and had been increased to that sum from $101,000. He went into a calculation of the cost, whether it should be constructed of brick or stone, to show the disadvantage and want of economy in making limited or partial contracts, which would be unavoidable, in case the appropriation for the second year should be cut off.

Mr. NILES said it was not his intention to have taken any part in the debate on this bill previous to the discussion of yesterday; and so little attention had he given to the subject, that he was scarcely aware of the fact that one of the forts authorized to be constructed was to be in the State he had the honor in part to represent. That fact, with some other considerations not necessary to be disclosed, had induced him to present his views on this subject. The objection we had just heard from the Senator from South Carolina, [Mr. CALHOUN,] that the appropriations for the new forts were in a separate bill, and that the entire appropriations for fortifications ought to be embraced in one bill, and originate in the House of Representatives, he thought had no force in it; for it appeared to him more proper that the new fortifications should be presented in a separate bill, and be subject to a distinct consideration. The bill in the House is the ordinary appropriation bill for fortifications, and only provides for continuing the works now under construction; it can involve no new principle, and no question of general interest. The ordinary annual appropriations will of course be made, and he supposed the sums would be enlarged this year in consequence of the failure of the fortification bill last session, and there having been no appropriations for completing the fortifications last year.

The bill now before the Senate, providing for the erection of new forts, presents a different question, which ought not to be blended with that of the ordinary annual appropriations for fortifications. The question is, whether Congress will enlarge and extend the system of fortifications. As to the precise extent and comprehensiveness of the plan which it may be advisable to adopt, or which the security of the country requires, that is not now to be decided, except so far as the present bill may involve that inquiry. This bill authorizes the erection of twelve new forts, and appropriates one million three hundred thousand dollars for the purchase of sites and the construction of works the present year. For one of these forts there is an appropriation of only twelve thousand dollars; and as that is so small a work, it may be thrown out of the question, and the number of works reduced to eleven. These are all at important points, for the security of towns and harbors, which will afford safe shelters in time of war for our public and private vessels. The entire expenditures for these forts, he believed, would be something like three millions. The general question of the defence of our maritime frontier, and the extent and comprehensiveness of a plan of fortifications, is, in many points of view, one which only scientific and professional men can be supposed to be competent to decide. Perhaps there are few, if any members in this body, who will feel themselves very competent to decide a question so intimately connected with the art and science of war. We must, to some extent, follow some other guide than our own judgments; we must look to those whom we believe to be competent to direct our legislation—to the engineer department and to the executive officers, acting under the high responsibilities of their stations.

But as to the objects to be attained by fortifications, and how far it is safe and wise to rely on them for the security of the country, these are questions of which we may feel qualified to form opinions, and to act from our own judgments. We are not now called upon to determine these questions, unless it shall be thought that the fortifications provided for in this bill will commit the Government to a more extensive system than it is advisable to adopt. Few, he apprehended, would be of this opinion, who are in favor of any enlargement of the fortifications on the seaboard.

The main question presented by the present bill, as he had already stated, was, whether there should be any extension of the system of fortifications on the Atlantic border, and whether it shall be commenced at the present time?

The Senator from Pennsylvania [Mr. BUCHANAN] has remarked that the only question was one as to time; but this can only be correct by regarding the preliminary question, whether we shall enlarge the present system of fortifications, as conceded; which, I take it, is not the fact. The Senator from Ohio [Mr. EWING] seems to suppose that this bill is a mere humbug; and says it can have no other operation than to transfer the money appropriated from one account to another, because no part of it can be expended the present year. But the gentleman is mistaken in his conclusion, even if his premises were admitted. Whether the money can or will be actually expended the present year, is not very important. The main question is, whether we shall enlarge the system of fortifications, and whether we shall settle the question at this time? If there is to be any extension of the plan of fortifications, now is the time to do it. Now is the time to settle the *principle*, and to decide upon the new works, so far at least as depends

on our legislation. If the principle is once established by law that further defences are to be provided for the security of the seaboard, it is of little consequence whether the works which may be authorized are constructed in one year or in several years. The principle being settled, the necessary appropriations must be made as there is occasion for them.

It has been contended by the Senator from Missouri, [Mr. BENTON,] that the plan for fortifications is antagonistical to the bill which has now passed the Senate for the distribution of the proceeds of the sales of the public lands among the States, and all other schemes of distribution. This, I apprehend, is correct, so far as the principle of this measure is concerned, as it is incompatible with any scheme of distribution of the public funds which shall withdraw them from the control of this Government; for although it may be true, as is contended, that very little can be expended on new works this year, yet, if the measure is sanctioned by law, and its execution will require an expenditure equal to the surplus there may be in the Treasury, after providing for the ordinary and other objects of extraordinary expenditure, it ought to be regarded as a different objection to any other disposition of this surplus.

If it is decided to extend this system of fortifications, we must view the measure in connexion with the present condition of the finances, and what they will be likely to be for some years to come. The finances of the United States, for several years at least, will depend on laws and circumstances which Congress cannot control. The swelling flood flowing into your Treasury the past year and first quarter of the present, has arisen from causes which cannot be permanent: these causes are speculations in the public lands. Of the present sum in the Treasury, more than twenty millions have been received from the sales of the lands the last year and a quarter. I am aware that some gentlemen seem to suppose that this source of revenue is inexhaustible, and is to continue at the same rate for all time to come. This is a great delusion. Should the present rage of speculation continue, in a few years the most valuable portions of the public lands will be in the hands of speculators. This source of revenue, instead of being inexhaustible, as the imaginations of some gentlemen represent it to be, is wasting rapidly. But, were the fact otherwise; were the public domain as inexhaustible as the fountains of the great deep, are the resources of the people also without limit? Is it supposed that twenty millions a-year can continue to be drawn from individuals, to be invested in uncultivated lands? It is impossible. Gentlemen, in giving scope to their vivid imaginations, seem to overlook this difficulty. As well might it be supposed that an unnatural excitement could be kept up in the human system by successive and continued doses of opium. In every department of business, a reaction must follow overaction. This is not only a law in trade, but is a more general law in all human affairs. If this course of speculation in public lands could continue, it would absorb the entire capital of the country, and would paralyze all its great interests. But it cannot continue, and the sales must soon come back to the amount required for the progress of settlements. And, so far as the Government is concerned, they will soon fall below this sum, as the individual landholders who have purchased on speculation will become competitors with the Government in supplying the demand required for actual settlement. This must already be the case to a considerable extent, as large portions of the most valuable lands are in the hands of capitalists, and are thrown into market by them. It is but a few year sago that the sales of the public lands were but from one to two millions per annum; and they will soon be reduced to the same amount. A spirit of monopoly appears to be the besetting sin of the day; it has taken a strong hold of our population, and its selfish influence is everywhere seen and felt: it pervades every department of business, and every branch of industry. And, instead of being checked, it is encouraged by legislation, as it has found its way into the legislative assemblies, and exerts its pernicious influence there. In the graspings of this spirit, there is, perhaps, no worse direction that can be given to it than in its monopolizing the public lands.

In regard to the revenues from customs, they depend on law that Congress cannot, for some years at least, control. By the operation of the compromise act of 1833, the revenue from this source is diminishing, and will fall down to its minimum in 1842. At that period it has been estimated by the Senator from New York [Mr. WRIGHT] that it will not exceed ten millions. This estimate is based on the amount of importations of the last year, with an allowance for that gradual augmentation which the increase of population and consumption of the dutiable articles may require. This estimate, I think, will be found not to vary far from the truth; and this sum, together with the revenue from the public lands, which at that period can hardly be supposed to exceed two or three millions, and may fall short of that amount, will be several millions less than the ordinary expenditures of the Government. The time is not far distant when, instead of being troubled with a surplus, there will be a deficit in the public revenue, which will have to be supplied by increasing the taxes in some form.

The surplus the present year, and a small one of a few millions the two following years, must be regarded as the entire resources of the Government, to be applied to any extraordinary objects, either to complete the defences of the country, or of any other description. The surplus the present year will not probably much exceed fifteen millions, after meeting the usual demands on the Treasury for Indian treaties, the Florida war, and defence of the western frontier.

Whatever it may be advisable to do in extension of the permanent defences of the country, now is the time to do it, or at least to settle the principle. If it is not determined upon now, the present resources of the Government will no doubt be disposed of in some other way. Some of the numerous schemes for the distribution of the present surplus will be likely to prevail, unless some measure shall receive the sanction of Congress, which will be inconsistent with any plan of withdrawing the present revenue from the control of this Government.

Mr. N. said he desired not to be misunderstood: he would not advocate the adoption of this bill, or any plan of the extension of our fortifications, merely because we now have an excess in the Treasury; and for the purpose of disposing of such surplus, he would not be influenced in any degree whatever in deciding the question, whether it is the duty of the Government to enlarge the defensive means of the country, either as to fortifications or an increase of the navy, in consequence of the present condition of the Treasury. That question should be decided upon its own merits, and independent of all considerations of a temporary nature; and the present ability of the Treasury having arisen from temporary causes, can be no argument in favor of any general and permanent system of expenditure, not demanded for the security of the country.

All that he would contend was, that if the present fortifications have been regarded as only a part of a general plan for the protection of the seaboard, or if, from the extension of our commerce, and the growth of towns, further defensive means are necessary to afford equal security to all parts of the country, now is the time to commence the additional works which are to form a part of the general system. On the mere question of time, the state of our finances now, and their probable condi-

tion a few years hence, are entitled to great weight, if not wholly decisive of the point. There are, however, other considerations, that cannot be overlooked. The country has been brought into imminent danger of war with a powerful nation, and the public sensibility has been awakened to the exposed situation of our commerce and our seaboard; whilst the danger was supposed to exist, a general sentiment prevailed of our total deficiency in preparations to meet such a contingency. It is only occasions of danger which arrest the mercenary spirit of the age, and awaken attention to the securities of the country from foreign aggression. The history of all countries proves this, and none more than our own. It has only been in times of danger, that the national feeling has been sufficiently aroused to give an impetus to measures for the security of the country. The defenceless condition of the seaports, during the revolutionary war, may be regarded as the cause which induced President Washington to urge on Congress the importance of providing for their protection, and of the early measures adopted by Congress authorizing the erection of fortifications. The difficulties with France, during the administration of Mr. Adams, gave an additional impulse to these measures of defence; and the evils which the country suffered during the last war, from the defenceless condition of the seaboard, led to the energetic measures, and the system of fortifications, which were adopted immediately after the peace.

That this system was in some respects unwise, that many of the fortifications were on a scale too large and expensive, and requiring too large garrisons, seems now to be the opinion of the Secretary of War; and the reasons given for this opinion appear to be strong, if not conclusive. But whether that was a proper time to commence a system of fortifications for the defence of the coast, is altogether a distinct question from that whether the system adopted was a wise one, and well adapted to our situation. Was it a wise policy to have undertaken a plan of fortifying the coast at that time? If this policy was justifiable at that period, if the measures of the Government were not then altogether founded in error, it must be a wise and correct policy at this time to enter upon the completion of the necessary fortifications for the security of the seaboard. What were the reasons for resuming the system of fortifications in 1817? We were then at peace with all foreign Powers, and had as little reason to expect war as we have now! The lessons of experience, which the war then just terminated had afforded of the dangers and evils of an exposed and unprotected seaboard, led to the measures then adopted. We have now been exposed to a war, and the public mind awakened to the consequences which would have resulted from an unprotected maritime frontier.

Then the country was oppressed and struggling under the weight of an enormous debt of one hundred and twenty-three millions of dollars; the interest of which alone amounted to between six and seven millions. The revenue for those first two years after the war was large, but, as might have been foreseen, rapidly fell off, and the Government was obliged to have recourse to loans to meet the current expenditures and pay the interest of the public debt. Yet so strong was the public sentiment as to the necessity and importance of putting the country in a state of security, that, with such a load pressing upon it, Congress made large appropriations for a regular system of fortifications. In 1793 and 1796, when the system was first commenced, the public debt was from seventy-five to eighty millions, and four millions of interest annually to be paid, when the population and resources of the country were not one fourth part what they are at this time.

Now we are out of debt, and have an overflowing Treasury, and a large surplus, which we know not what use to make of, which is already giving occasion to numerous extravagant and dangerous projects for disposing of it; and the danger of a rupture with France, from which we have just escaped, has called public attention to the necessity of placing the country in an adequate state of defence.

If there ever was a time peculiarly auspicious, and when Congress was by the highest considerations called upon to commence a system for the more perfect and complete defence of the entire country, that time is the present. To suffer the surplus we now have to be disposed of by any of the schemes of distribution, and neglect the defence of the country, would be an unwarrantable dereliction of duty.

In regard to the extensiveness of the plan of fortifications, the views of the Secretary of War, contained in his late report, appear to be generally opposed; and the only diversity of opinion seems to be, what his views are. They appear to me, however, to be sufficiently explicit, and I cannot think that there are any grounds for a difference of opinion concerning them; and I will read a single paragraph from the report, which contains a summary of the Secretary's plan: "I consider the duty of the Government to afford adequate protection to the seacoast, a subject of paramount obligation; and I believe we are called upon by every consideration of policy to push the necessary arrangements as rapidly as the circumstances of the country and the proper execution of the work will allow. I think every town large enough to tempt the cupidity of an enemy should be defended by works fixed or floating, suited to its local position, and sufficiently extensive to resist such attempts as would probably be made against it. There will, of course, after laying down such general rule, be much latitude in its application. Upon this branch of the subject, I would give to the opinion of the engineer officers great and almost controlling weight, after the proper limitations are established. These relate principally to the magnitude of the works; and, if I am correct in the views I have taken of this branch of the subject, a change in the system proposed is necessary. Works should not be projected upon the presumption that they are to be exposed to, and must be capable of, resisting the attacks of a European army, with its battering train and all its preparation for a regular siege. Neither our relative circumstances, nor those of any nation with which we shall probably be brought into conflict, can justify us in such an anticipation. All the defences should be projected on a scale proportioned to the importance of the place, and should be calculated to resist any naval attack and any sudden assault that a body of land troops might make upon them. But further than this, it appears to me, we ought not to go. The results at Stonington, at Mobile point, at Fort Jackson, and at Baltimore, during the late war, show that formidable armaments may be successfully resisted with apparently inferior means. These, indeed, do not furnish examples to be followed as to the scale of our preparations; but they show what stationary batteries have done in our country against ships of war."

The system of the Secretary of War is simply this: to rely on fortifications only for the defence of towns or seaports, and not of the seacoast; he does not regard them as a means of security to the whole maritime frontier, and of excluding an enemy from the country. And at the points to be defended, he does not deem large and strong fortifications as being necessary; he only recommends such works as may be sufficient to resist a naval battery, and to withstand a sudden assault by land; but not of such magnitude and strength as to be capable of standing a siege of an invading army with the usual battering train. Except for the defence of some of our

large cities, small and cheap works only are contemplated. Such are the forts provided for in the present bill. The great error of the system adopted in 1817, was, that the fortifications were on a large and expensive scale. Another error was, that they were designed to defend roadsteads and exclude an enemy from advantageous positions in our waters. The plan of the Secretary is less comprehensive and more economical. All the forts in this bill will probably cost but little more than Fortress Monroe, which covers 63 acres of ground; and its full armament would consist of 412 pieces of cannon, and, according to the estimate of the engineer department, it would require in time of war a garrison of two thousand seven hundred men. The works at Newport cover 23 acres of ground, and will mount 468 guns, and require a garrison of two thousand four hundred men. Nothing could have been more unwise than works upon a scale and magnitude like these. If fortifications on such a scale were to be erected at all the exposed points on our seaboard, it would require an army to garrison them in time of peace. The Secretary of War, whose views are concurred in by the President, manifestly disapproves altogether of this system of fortifications, and recommended one having no other objects than the defence of seaports and navy yards, by works comparatively small and unimportant.

I can go as far as the Secretary of War proposes; but am no advocate for an extensive system of fortifications, or large, expensive establishments, which will foster a perpetual, burdensome charge on the country. It is the true policy of this country to keep down the expenses of the Government, both in the civil and military departments. A people cheaply governed, and lightly taxed, can hardly fail to be prosperous. Even necessary works for defence ought not to be erected when they are to throw an unreasonable burden on the country; and I do not think that Mr. Jefferson acted unwisely in discontinuing the fortifications, as at that time the public debt was a heavy burden on the country, and had been increasing since the establishment of the Government; he acted wisely, therefore, to arrest this accumulation of debt, even at the sacrifice of some desirable interests, and to commence the great work of its extinction.

In addition to the objections, on the ground of expense, to a large and comprehensive system of fortifications, it does not appear to be congenial with the spirit of our institutions, and in my mind is associated, in no small degree, with the idea of a standing army, or large military establishment. For the general defence and security of the country, we must rely mainly on the militia.

But for the defence of commercial towns and harbors, fortifications are necessary; and the present bill goes no further. In reference to the bill before the Senate, the Secretary says:

"It cannot be doubted but that fortifications at the following places, enumerated in this bill, will be necessary:

At Penobscot bay, for the protection of Bangor, &c.
At Kennebec river.
At Portland.
At Portsmouth.
At Salem.
At New Bedford.
At New London.
Upon Staten island.
At Soller's flats.
A redoubt on Federal point.
For the Barancas.
For Fort St. Philip.

"These proposed works all command the approach to places sufficiently important to justify their construction under any circumstances that will probably exist. I think, therefore, that the public interest would be promoted by the passage of the necessary appropriations for them. As soon as these are made, such of the positions as may appear to require it can be examined, and the form and extent of the works adapted to the existing circumstances, if any change be desirable. The construction of those not needing examination can commence immediately, and that of the others as soon as the places are determined upon. By this proceeding, therefore, a season may be saved in the operations."

So far as the opinion of the Secretary is to be regarded as a guide for our action, we have there a specific recommendation to the extent of the forts embraced in the bill before the Senate. The objection which has been urged with so much earnestness, that there has been no survey of some of the proposed forts, was not overlooked by the Secretary in the specific recommendation to which I have called the attention of the Senate. In those cases in which a further examination may be required, he contemplates that it will be done before the works are commenced. That the survey and estimate should precede the appropriation, may be the more usual, and perhaps correct course; yet, to save the delay of one season, he proposes that the appropriations be made at once for the twelve forts embraced in this bill. I do not think there is much weight in this objection, as the main question for Congress to decide is, whether the places are of sufficient importance to render the fortifications necessary.

Mr. President, in regard to the proposed fortification in the State I have in part the honor to represent, there cannot, I believe, be any doubt of the position being one of importance. This, although classed among the new forts, is an old site, where there is at present an ancient work called Fort Trumbull, which defends the cities of New London and Norwich, places of considerable population, and extensive commercial and manufacturing interests. The plan of the engineer department is to replace the present fort by new works more substantial and better adapted to the purpose. This is, in many respects, an important position, and of some celebrity in the history of the country. On the opposite side of the river is Fort Griswold, where occurred one of the most bloody tragedies of the revolutionary war; it having been stormed and taken by the infamous Arnold after a gallant defence, and the garrison, consisting of the patriotic inhabitants of the town and vicinity, with their brave commander, Colonel Ledyard, were, most of them, barbarously slaughtered. Had there been any adequate fortifications at this important position, the lives of these valuable men might have been spared for the service of their country, and the town of New London saved from the flames. The harbor of New London is one of the safest and best in the eastern section of the Union. It is easy of access, with great depth of water, and rarely obstructed by ice. It is a safe and convenient shelter for vessels navigating Long Island sound, or those bound out or home, that might have occasion to avoid a blockading squadron lying off Sandy Hook. It is also an excellent station for the navy; and during the last war an American squadron was shut up there, by Commodore Hardy, and protected by the small fort which defends the harbor.

At the present time the commerce of New London is important, and rapidly increasing; the whale fishery is extensively prosecuted, and with much enterprise. In Stonington and Mystic, ports which are in the neighborhood, there are a large number of vessels engaged in the whale fishery; and Norwich has considerable commerce, and extensive manufacturing interests. In the report of the engineer department it is said that "New London harbor is very important to the defence of Long Island sound; and, as a port of easy access, having great depth of water, very rarely freezing, and being easily

defended, is an excellent station for the navy. It is also valuable as a shelter for vessels bound out or home, and desirous of avoiding a blockading squadron off Sandy Hook. In the plan of defence, the present Forts Trumbull and Griswold give place to more efficient works, of which the expense is estimated at $314,515."

The port of New London has probably as strong claims as any other; yet I feel no particular solicitude concerning it, or any other fortifications for my own State, as the events of the late war proved that the intrepidity of our citizens is some security against attacks, even without fortifications. The inhabitants of Stonington, with a single gun upon the beach, successfully repelled and drove off the enemy's barges. And as respects any advantages of local expenditures, I do not regard them as deserving of any consideration; the number of persons who may be benefited by such expenditures is too small to be of any general advantage to the contiguous population. Neither the workmen nor materials are necessarily to be procured on the spot, and a small portion of the disbursements only may in any way benefit our citizens.

Mr. President, I will now notice some of the objections which have been urged against the bill before the Senate. It is contended that one million is all that can be expended the present year; and that this ought to be applied in completing the present forts. It is believed that a much larger sum may be advantageously and economically expended the present year; but if it should not be disbursed, the appropriation can do no harm. As regards confining the action of the Government to the old works, and neglecting the commencement of others for the defence of points equally exposed, and having equal claims on us for protection, that would be very unjust, and a very partial dispensation of the blessings of the Government. The existing forts are, most of them, already in a condition to afford protection to the places they are intended to defend, whilst many of the places designed to be protected by the new forts are wholly defenceless. Protection, like justice, should, as far as practicable, be extended to all, and with an equal hand.

Another objection which has been urged is, that such large appropriations for public works would derange the business of the country; that it would withdraw from other pursuits so large a number of persons as to occasion serious inconvenience, if not actual embarrassment. The price of labor is said now to be unusually high, and it is contended that the price would be greatly augmented by the demands of the Government on the labor of the country, should so large appropriations be expended on fortifications; and that it would be unwise to enlarge this branch of the public service at a time when labor is at an advanced price. Whatever force there may be in these arguments, they come with an ill grace from the advocates of a measure to which they will apply with much more weight. How is it that gentlemen propose to apply thirty-six millions the current year to works of internal improvement, and yet are alarmed at appropriating three millions to objects of defence? If there are any grounds for apprehension that our legislation in the latter case should make too large a drain upon the industry of the country, would not the same objection apply with much more force to the distribution schemes? If the expenditure of three millions on fortifications is to derange the productive industry of the country, what would be the effect of the sudden application of more than thirty millions to works of internal improvement?

But the present demand for labor, and the high prices consequent on that demand, can hardly be expected to continue. This has been the result of the overaction in every kind of business the past year; and that has already occasioned a reaction and a pressure for money, which cannot fail to check and restrain private enterprise, and curtail the operations of every kind of business. How long the pressure may continue, and to what extent the reaction may go, no one can determine; but it would by no means be surprising if these causes now in operation should so diminish the demand for labor, as to occasion a surplus of this most useful commodity, and occasion distress among the laboring classes, for want of employment. When the embarrassments of business become such as to essentially diminish the demand for labor, a reduction in the price must take place, and a portion of the working class must be thrown out of employment, and of course will be deprived of the means of subsistence. Should this be the result of present causes, which there is some reason to fear, the usual demand which the Government might afford for labor would be extremely fortunate, by supplying the deficiency which might be occasioned by the curtailments in individual enterprise. It can be no object for the Government to desire to cheapen labor, or diminish the profits of industry. It is the policy of a wise and just Government to increase, rather than to weaken, the stimulus to industry; and whether we pay a few thousand dollars more or less for that portion of labor which the Government may have occasion to employ, is of little consequence. So far as the measures of the Government are to be influenced at all by considerations of this kind, it should rather be our object to keep the prices of labor up to their maximum, than to reduce them to their minimum standard.

Another very novel, and, as it appears to me, strange argument, was urged by the Senator from New Jersey, [Mr. SOUTHARD.] It was, that the necessity for fortifications was not so great now, as when our seaports were small, and less able to defend themselves. I had supposed that the reverse was the case, and that the necessity of fortifications was in proportion to the population, commerce, and wealth of our cities, which might stimulate the cupidity of an enemy.

[Here Mr. SOUTHARD explained, and said he had used no such language, and no argument of the kind.]

Mr. N. said he did not profess to give the gentleman's language, but thought he had stated the substance of his argument correctly; it struck him very forcibly at the time, as he thought it a very extraordinary argument, and he noted it down. But if the Senator saw fit to disclaim it, he would not pursue his remarks upon it.

He would advert to another objection urged by the Senator from New Jersey; but as he found it difficult to state the gentleman's arguments in a manner to satisfy him, he desired the gentleman to say whether his remarks were correctly stated in this instance. The observation of the Senator to which he referred was this: that the development of the powers of steam, and the improvements in its application, were such, that it might soon change the system of defence, and fortifications be superseded by steam batteries.

[Mr. SOUTHARD said that his remarks were not stated exactly correct.]

Mr. N. said he only professed to give the substance of the gentleman's argument, which he thought rather an extraordinary one, and he did not understand the Senator to deny that he was so far correct. Are we to neglect to put the country in a state of defence, and wait to see if the progress of science and experiments may not develop some better system? If we had unfortunately become involved in a war with France, and any of our defenceless towns had been destroyed, would they have been satisfied with this reason for our neglecting to provide the means of their defence? How will this argument hold, when applied to the common concerns of life? What would be thought of the husbandman who should neglect to cultivate the soil, from an

expectation that a better system of cultivation might after a while be discovered, which would entirely supersede the present? Would not this argument apply with much more propriety of force to canals and railroads, which are comparatively of recent origin, particularly the latter? Fortifications for the defence of towns are almost as ancient, and their utility and necessity as well established, as the common arts of life—as the art of tilling the earth, by which we are supplied with food, or those mechanical arts by which some of its products are wrought into fabrics for the clothing of man. In the progress of discovery and improvement, the present plan of fortifications may be superseded, and so may all the arts of life; but if we were to neglect to avail ourselves of those now known and in use, from an expectation that they might be superseded by better systems, we should not be acting very wisely, or hardly consistent with the instinct of self-preservation.

Mr. President, whence comes the opposition to this bill? I have witnessed it with some surprise, after what has occurred the present session. How many times are we to fight our battles over? An English author gives the character of an old veteran soldier, who in his latter days was employed in fighting over the battles of his youth; but our battles have to be fought over again and again, and then remain undecided. During the early part of the session, five or six weeks were spent in debating a resolution offered by the Senator from Missouri, which declared that the public revenue ought to be applied to the defence of the country. As the resolution was introduced, it directed that the surplus revenue was to be thus applied; but, on motion, I think, of the Senator from Massachusetts, [Mr. WEBSTER,] the word "surplus" was stricken out, and the Senate, after a protracted and elaborate debate, decided by a unanimous vote that the entire revenue should be applied for the defence of the country. But what did this resolution amount to? We seem now to have, on the part of some gentlemen, a practical construction of their votes. It seems that in this deliberate decision, made after so protracted a debate, that to appropriate the revenue of the country to its defence, meant nothing more than that they were willing to vote the ordinary annual appropriations for fortifications. Did gentlemen mean this, and this only, at the time? or has any thing since occurred which has changed their views? It is true at that time there was some apprehension of a rupture with a powerful nation; but it is not the less true that the mover of that resolution repeatedly declared that it was not offered in consequence of the impending danger, and that if he had the bond of fate for peace, he should press its adoption with the same earnestness. It was advocated as a settled policy, and upon general considerations, and not as a measure dictated by any immediate prospect of war. It is not for me to reconcile the votes of Senators for that resolution with their determined hostility to this bill, which appropriates less than a million and a half for new fortifications; neither will I charge them with inconsistency; I leave it for the gentlemen themselves to reconcile their speeches and votes on that resolution, with their speeches and votes on this bill. When another subject was under discussion, (the bill for the distribution of the proceeds of the public lands,) it was declared by the Senator from Missouri that it was a measure in direct conflict with the defence bills; which was denied by the Senators to whom I have referred, who insisted that, after appropriating all that could be possibly disbursed for purposes of defence, which they professed to be willing to do, the surplus from the sales of the public lands would remain to be distributed. Has the passage of that bill changed the sentiments of gentlemen? After the strong declarations to the contrary, are they now alarmed that the surplus will be diminished? Is the secret of the opposition to this measure to be discovered in the apprehension that it may interfere with the distribution schemes? Sir, I fear we are already gathering the first-fruits of that dangerous and mischievous measure; a scheme which comes in direct conflict with our entire legislation; and, by arraying the interests of the States against those of the Union, its corrupting influence tends to embarrass all our deliberations, and to defeat the wisest measures which the interest and safety of the country may demand.

Mr. CALHOUN observed, that the Senator from Maine put these large appropriations on the ground that the Secretary would make the contracts to run through the whole time. Now he had had some little experience in these matters, and well knew the disadvantages attending the making long contracts. If they were made when prices were high, the profit consequent on the fall of prices enured to the contractor; and if they were made when prices were low, the contractor was sure to violate his contract, when he found himself losing by the fall of prices; so that in either case the Government must be a great loser. One great objection that he had to the large appropriations in this bill was, that they were calculated to empty the public purse and fill the pockets of the contractors.

The Senator from Connecticut said that labor is now falling. Well, what would be the result? Why, the fall in the price of labor would put thousands into the pockets of individuals, for no earthly benefit to the public. There never was a time better fitted to make fortunes for contractors than the present. He understood this thing very well. He would not attribute motives to any gentleman; but it had been almost openly avowed on that floor, that the design was to retain the public money where it is, and prevent it from going back to the people, to whom it rightfully belonged. There were powerful combinations interested in this matter. Millions were deposited in these deposite banks, who paid no interest on it, and were, therefore, deeply interested in retaining this money; a vast number of individuals who were indebted to them, were equally interested in the same object; and this powerful combination would make every effort to prevent the withdrawal of this money. If this bill was a question of fortifications, there would be no difficulty; it would be passed at once; but these were not the real objects in view. The question now was not for fortifications, for they were not even dreamed of; but how to prevent this immense amount of public money from being withdrawn from the deposite banks. With respect to these appropriations, the passing them at this time, and in the absence of surveys and sufficient information, would be a departure from the long settled practice of the Government, for which no sufficient reason could be given. Their custom had been, to wait for the action of the other House, and to pass such fortification bills as came from that body. There was a fortification bill now in progress there, and there was no danger of its not being sent to the Senate in time to be acted on. It was not expected to expend this money this year, for the Secretary would have too much discretion to make contracts at this time.

There never was a time when there was so little use in expending money on new fortifications as the present. There were only two nations in the world against whose attacks they would be wanted, and these were France and Great Britain. Our difficulties with France were, thanks to Providence, happily settled; and with Great Britain there was not the slightest expectation of our coming in conflict. Her magnanimous interference to settle our foolish and wicked quarrel with France, plainly showed her friendly intentions towards this country, and her strong desire to maintain her friendly relations with us. Our danger (said Mr. C.) lies not on

the seacoast; it lies in another way—in the southwest. Let me tell you, (said Mr. C.,) that every dollar of our surplus may be wanted, and that soon. They knew not even what the next mail might bring them. Wait then (said Mr. C.) a few days, and watch the progress of events; let this bill lie, and rest until the Senate has time to consider and reflect upon it. They were proceeding with too much precipitation on idle schemes to prevent the surplus money from going back to the people, from whom it was derived. He was anxious to have the bill to provide for the safety of the public money taken up and considered; it being, in his opinion, a more important matter than any that could be brought before them; and he had hoped that the Senator from New York [Mr. WRIGHT] would have called it up before this. He now gave notice that he would himself call up that bill on Saturday next, if the Senator from New York did not call it up before that day.

Mr. WRIGHT expressed a wish to address the Senate on the subject; but it being late in the day, he moved an adjournment, which was carried; and

The Senate adjourned.

FRIDAY, MAY 13.

There appearing to be no quorum present at the usual hour of meeting—

Mr. GRUNDY moved that the Senate adjourn—Ayes 14, noes 8.

The Senate then adjourned.

SATURDAY, MAY 14.

FLORIDA BANKS.

Mr. HUBBARD remarked, that he had that morning received, through the medium of one of the public journals of the country, information, which had created in his mind no inconsiderable degree of astonishment, and which information, he presumed, would produce a like effect upon the mind of every individual who should be made acquainted with the facts. He had noticed that the Legislative Council of Florida had recently established "banking institutions," the maximum of whose capital amounted to at least twelve millions of dollars. This, said he, may be all necessary for the "fair business transactions" of the Territory; but it was, however, an amount of banking capital quadruple the amount of banking capital employed in his own State, with a population of nearly three hundred thousand white male inhabitants, while there was not at this time within the Territory a sufficient white population to entitle Florida to a place among the States of this Union. There had been established a "Life Insurance and Trust Company," with banking powers, to be located at St. Augustine, its maximum capital amounting to four millions of dollars. The charter of this company extends for the term of fifty years, and it possesses the power of establishing branches in any part of the Territory. Beside this Trust Company, "there are in Florida," as he learned, "several other moneyed institutions; the Union and Central Banks at Tallahassee—one with three, the other with two millions of capital;" and he believed that it would appear, if an examination should take place into this subject, that in the course of the last winter the Territorial Government of Florida had established "banking companies" at Pensacola and at St. Joseph, the maximum capital of each consisting of three millions of dollars. From what he had stated, it would result that moneyed institutions had been recently chartered in Florida, whose maximum capital amounted to the enormous sum of twelve millions of dollars. This is, however, not the whole story.

It will be found, upon examination, he had no doubt, that other moneyed institutions had been previously established at Pensacola, and in other parts of the Territory. All this (as he had remarked before) may be right, necessary, and proper; the condition, the state, of the commercial business may demand this most extraordinary, if not alarming, increase of the moneyed institutions of the Territory. But it may be wrong; it may proceed, it may spring, from that uncontrollable spirit for speculation which is abroad in the land. He would not presume to pass judgment upon these transactions. The account given had made a strong impression upon his mind, and he felt it to be his duty to bring the matter to the notice of the Senate. He had prepared a resolution instructing the Committee on the Judiciary to inquire into the character, condition, and the amount of capital of the several moneyed institutions exercising banking powers, which have been chartered within the last three years by the Territorial Government of Florida, and to report to the Senate whether in their opinion any proceeding on the part of the Senate, or any legislation on the part of Congress, is necessary.

He could not doubt but that Congress possessed "supervisory authority over Territorial legislation;" that Congress possessed the power to disapprove of and to annul the laws which might be enacted by the proper authority of this Territory. This was his impression; and he believed that our own statutes would show that we had "disapproved and declared null and void" a legislative act of Florida, years after the act had been approved. At any event, he believed it was competent for the Senate to express its own opinion, its own views, upon the legislative proceedings of Florida to which he had referred. He would, therefore, ask leave to present the resolution he had prepared, and he hoped the Senate would adopt it, and that the Committee on the Judiciary would investigate this whole matter, and make report whether the business of the Territory called for this increase of her moneyed institutions. For himself, he most conscientiously believed that there was imminent danger that the credulous, the thoughtless, the confiding portion of our community, may be overwhelmed in this deluge of speculation which is now spreading over our beloved country.

Mr. H. then submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on the Judiciary be instructed to inquire into the character, condition, and the amount of capital of the several "banking institutions" which have been chartered within the last three years by the Territorial Government of Florida; and that they report to the Senate whether in their opinion any legislation of Congress is necessary to disaffirm the establishment of said charters.

STOCKTON AND STOKES.

Mr. CLAYTON, from the Committee on the Judiciary, reported a bill for the relief of Richard C. Stockton, William B. Stokes, and others.

Mr. C. explained the object of this bill, which was to refer the case of those gentlemen to the Solicitor of the Treasury, who, after examining all the evidence on the subject, should decide according to the principles of equity and justice.

The committee (Mr. C. said) were unanimous in favor of this bill, believing that these gentlemen were justly entitled to relief.

Mr. BUCHANAN advocated the bill in a speech of some length, observing that this case was, early in the session, submitted to the committee, and there was not a member of it who was not of the opinion that these persons were entitled to compensation for the services they had rendered. Mr. B. spoke of the fidelity with which the contracts had been performed; and observed

that he had had no communication on this subject with these gentlemen at all; but he knew them to be highly meritorious contractors, who, in order to sustain themselves thus far, had made great exertions, and had stretched their credit to the utmost.

After being amended, the bill was ordered to be engrossed for a third reading, without a division.

DISTRICT OF COLUMBIA.

Mr. KING of Alabama, from the Committee for the District of Columbia, to which had been referred the amendments of the House of Representatives to the bill for the relief of the several corporations of the District of Columbia, made a report thereon, recommending that the Senate agree to the first amendment, and submitting an amendment to the second.

Mr. K. then proceeded to explaine the bearing of the amendments of the House of Representatives upon the bill as it had passed the Senate. One of the amendments of the House had reduced the appropriation $600,000, in which he supposed the Senate would concur. The other amendment proposed to take the stock in the canal absolutely; whereas the Senate had only proposed to take it as a security. For his part, he was opposed to taking the stock absolutely, and hoped the amendment of the House authorizing it would be stricken out; and if the House of Representatives should not concur in the amendment to strike it out, perhaps some arrangement could be made in committee of conference upon the amendment, which would meet the views of both branches. If, however, the Senate should not think proper to strike it out, he had an amendment prepared to offer, which would make the section more acceptable to him, and he thought it would make it more so to others. He wished the Senate to understand distinctly the principles on which they were voting. If they struck out the second section, it would be relinquishing entirely the stock to these corporations, and making the appropriations in the bill without taking any security for reimbursement; if they retained this second section, it would be taking this stock as the absolute property of the Government, and depriving the three cities of the resources by which they might relieve themselves from their great pecuniary embarrassments. He had insuperable objections to the Government owning this stock, and he would therefore be glad to see this section stricken out.

Mr. WALKER said, that, being a member of the committee which reported this bill, it seemed necessary that he should explain his reasons for agreeing to the report. He never could have voted for the bill in the shape that it came from the House, as it proposed to make the Government the purchasers of stock in this canal company, in the same manner as if it had originally subscribed to the same amount. He had strong objections to the Government becoming joint stockholders in any company; and he should therefore vote for the amendment to strike out the second section; believing it better for the United States to have no security at all for the advances they were to make, than to be secured in so objectionable a way.

On taking the question, the first amendment of the House was concurred in without a division; and the amendment to the second amendment reported by the committee, striking out the second section, which provides that the stock held by the three corporations shall be relinquished to the Government, was agreed to--Ayes 21, noes 9.

Mr. LEIGH, who had voted with the majority, moved a reconsideration of the vote striking out the second section of the bill for the relief of the corporate cities of the District of Columbia, as amended by the House. This vote, he said, gave to these cities a large sum of money, without taking any consideration whatever for the repayment of the money. He confessed that he had not attended sufficiently to this amendment to understand its purport when he gave his vote; indeed, he was under the impression that the question then taken had a different import from the one it really had. He did not consider that he had a right to vote to give this money to the city of Washington, or to any body else, without security for reimbursement; and he therefore moved for a reconsideration of the vote.

Mr. KING of Alabama thought that he had stated the simple question before the Senate as plainly as language could make it. If they struck out the second section, they gave up the stock and advanced the money without any pledge whatever; if they retained the section, there would be a transfer of this stock to the Government. He did not mean to mislead a single individual in the explanation he had given. He wished further to state, that if the object was to take from these corporations the stock for which they had paid $650,000, it would leave them without any resources to rid themselves from the heavy embarrassments under which they were laboring.

Mr. LEIGH did not doubt that the honorable Senator [Mr. KING of Alabama] had made the explanation as stated, and he confessed it was his own fault for not understanding it; but his mind, at that moment, had been abstracted from the subject. If he had understood the question, he should have voted directly contrary to the vote he gave. He agreed with the Senator from Mississippi [Mr. WALKER] that the Government had no right to become a joint stockholder, but would not enter into a discussion of that question at that time. He would prefer the amendment proposed to be offered by the Senator from Alabama, [Mr. KING,] in case this amendment to strike out failed, to the section as it now stood.

The reconsideration was then ordered, and the question recurred on striking out the second section.

Mr. GRUNDY wished to know from the chairman of the committee whether, if this amendment were adopted, these corporations would remain in debt to the Government, or whether the appropriation in the bill was to be considered as a free gift.

Mr. KING replied, that there was no obligation whatever on the part of these corporations to refund this money. The object (Mr. K. said) was to relieve these corporations from their embarrassment, and to get rid of the whole matter. If gentlemen were not prepared to go this far, he was; for he believed that the expenses incurred by one of these corporations had greatly enhanced the value of the Government's property, the taxes on which alone would amount to the sum granted. He hoped this bill would be sent to the other House unembarrassed by any stock transactions whatever.

Mr. WEBSTER could not see any difference in the principle between lending these corporations money on security, and giving it to them as a donation. He was here when the loan was contracted, and, foreseeing the difficulties that would be created by it, had remonstrated against it; and, in fact, none protested more loudly against it than the good people of Washington themselves. It was well known that the corporations (the city of Washington in particular) pretended to have claims against the Government, on account of expenditures, which had had the effect of raising the value of its property. This was no doubt true, to some extent; and he thought the money granted by this bill would be a very liberal way of paying all claims they might have of that nature. He was willing to give them this money, and to have the debt considered as cancelled.

Mr. CALHOUN said the chairman of the Committee for the District of Columbia [Mr. KING of Alabama] had avowed this appropriation to be a donation. He (Mr. C.) doubted the propriety and also the constitutionality of making it. He would much rather support the bill

as sent from the Senate. He believed, when the canal was extended to the mineral regions, the stock would rise above par. He would much rather the bill would be sent back to the House of Representatives as it had originally passed the Senate. He doubted the right of Congress to vote away the money of the people, without making provision to have it returned to their Treasury again.

Mr. NILES said it was a very ungracious task in any one to oppose this bill, containing a donation to these corporations, which a high sense of public duty required him to do. Congress, in his opinion, had no right to interfere in this matter, except as the local Legislature of the District of Columbia. These people had involved themselves in this great work, and, for his part, he could see no foundation for this claim either in law or equity. So far as the Government had stepped in as an endorser, they ought to see the debt paid. If they paid the debt in the capacity of an endorser, they ought, as an endorser, to secure themselves for the reimbursement of it. He believed conscientiously that to relieve these people from these improvident acts, would be to encourage improvidence. The value of this stock at this time was not worth one-sixth of the amount of the debt, and the very property which the money appropriated by Congress had purchased might not be worth $10,000; but whether worth much or little, they ought to take security, not as a hard creditor on the whole property of the District, but on this canal property, on account of which the debt had been incurred.

Mr. WRIGHT said, as he had opposed this bill originally, he owed it to himself to explain the views which would govern his vote upon the question now presented. It seemed to him to be simple, and to rest within a very narrow compass. The Senate passed this bill assuming the Holland debt, amounting, as he understood, to one and a half million of dollars, and also appropriating from the public Treasury from six to seven hundred thousand dollars, to pay to the several cities of Washington, Georgetown, and Alexandria, the interest and charges they had respectively paid on account of their respective portions of the loan from Holland; and, as a show of security to the Government for those payments, the bill provided for a pledge or mortgage to the United States of the stock held by each city respectively in the Chesapeake and Ohio Canal Company.

The bill went to the House in this shape, where it was amended by striking out the appropriation of from six to seven hundred thousand dollars for interest and expenses, and by striking out also the provision for the pledge or mortgage of the stock, and inserting, in lieu thereof, a provision for a positive transfer of the stock to the United States, in consideration of the assumption by the Government of an equal amount of the Holland debt.

The committee of the Senate, as he thought most wisely, had disagreed to the amendment of the House providing for a positive transfer of the stock, because he considered that provision entirely objectionable in principle, as in effect making the United States a purchaser of this amount of the stock of the canal company at par, for money advanced, or for an equal liability, less advantageous to the public Treasury than an advance of money. He was unable to discover any difference in principle between this proposition and a proposition to subscribe, on the part of the Government, to an equal amount of the stock of this canal company.

The committee of the Senate now recommend to us to concur in the first amendment of the House to strike out the appropriation for interest and expenses, amounting to between six and seven hundred thousand dollars; and, in consideration of this, to give up to the cities the pledge, or mortgage, upon the canal stock proposed to be taken by the bill, as it originally passed the Senate; and to strike out the amendment of the House requiring the transfer of the stock to the United States.

Mr. W. said he should vote for the amendment proposed by the committee of the Senate, simply because he considered the bill in that shape much more favorable to the public Treasury than in the shape in which it originally passed the Senate, and because he could not consent to the principle contained in the amendment of the House, requiring a positive transfer of the stock to the United States. He did not consider the intrinsic value of the stock worth the six or seven hundred thousand dollars stricken from the bill as the consideration for a release of all claim upon the canal stock. He would not now vote for an appropriation of that amount of money from the Treasury for the purchase of the stock, as a mere financial measure, without any objection of principle to such a use of the public money. He therefore thought we should make a more profitable bargain for the public Treasury by passing the bill in this shape, than in the shape in which it had been first put by the Senate. He must be most distinctly understood as entirely opposed to the whole appropriation in any shape; and his present object was, having seen that a majority of the Senate were favorable to the bill in some shape, to make the best bargain for the Treasury in his power. It seemed to him that some gentlemen were treating rather with matters of form than matters of substance. They were insisting upon the form of security for the entire amount of liability assumed by the Government; while no man did contend, and he was sure no man would contend, that the real value of the security proposed to be taken was not equal to the actual payment of money from which we propose to relieve the Treasury, in consideration of yielding our mortgage upon the stock, which is all the security offered, or proposed to be taken.

Mr. W. said, entertaining these views, he should vote for the amendment recommended by the committee, though he should at all times, and in any shape, while his feelings remained as they now were, vote against the bill.

Mr. BLACK had always voted against bills similar to this. In the first place, he was opposed to the claim; and in the second place, he was opposed to taking nominal security, which was, in fact, no security at all, and which he was opposed to having any thing to do with. He concurred in opinion with the Senator from Alabama, [Mr. KING,] that it was better to give it as a donation, than to have any thing to do with the stock. He could not see the difference in the power of Congress between loaning the money on the security of a transfer of the stock, and giving it as a donation without security.

Mr. CLAYTON said that he could vote to grant relief to the city of Washington, because, had the Government paid taxes on its property in the same manner that the citizens had, the sum would have amounted to more than was given to it by this bill; but this principle did not apply to the towns of Georgetown and Alexandria, and he must therefore vote against the bill. He could vote for it, if it applied to Washington alone; but as he could not vote for Washington unconnected with the other towns, he must oppose the whole bill.

The question was then taken on striking out the second section, and it was decided in the negative—Yeas 13, nays 26, as follows:

YEAS—Messrs. Black, Ewing of Illinois, Kent, King of Alabama, Nicholas, Porter, Preston, Southard, Tallmadge, Walker, Wall, Webster, Wright—13.

NAYS—Messrs. Benton, Brown, Buchanan, Calhoun, Clayton, Crittenden, Cuthbert, Davis, Ewing of Ohio, Grundy, Hill, Hubbard, King of Georgia, Knight, Leigh,

Moore, Morris, Niles, Prentiss, Rives, Robbins, Robinson, Ruggles, Shepley, Swift, Tomlinson—26.

Mr. KING of Alabama then moved to amend the amendment of the House, so as to provide that the stock in the Chesapeake and Ohio Canal, held by the corporations of Washington, Georgetown, and Alexandria, shall be deposited with the Secretary of the Treasury, who is empowered to sell the same at any time within ten years, and reimburse the money advanced by this bill.

Mr. WEBSTER said he felt bound to inquire, before we should consent to take this stock, either positively or conditionally, whether it was subject to further calls by the company; whether, by taking a mortgage, or a transfer, we were subjecting the Government to further payments, before we should attempt to protect our interests in a manner which would, in fact, merely incur further indebtedness.

Mr. WRIGHT said he would reply to the Senator from Massachusetts, that, according to his understanding of the matter, a further call would be most desirable to the Government, in case we were to take the stock. He supposed the only consequence of a failure to pay, in case of a call, would be a forfeiture of the stock; and it seemed to be the only way in which we could get rid of it. He believed he was not mistaken, and that the privilege of forfeiture, in case of further calls, would be left to us.

Mr. WEBSTER, sitting in his seat, said, I hope so.

Mr. KING's amendment was then agreed to, and the bill, as amended, was sent to the other House for concurrence.

On motion of Mr. SHEPLEY, the Senate took up the bill for the relief of Daniel Steenrod; and, after a debate,

On motion of Mr. CLAYTON, it was referred to the Committee of Claims.

NAVAL ACADEMY.

Mr. SOUTHARD, from the Committee on Naval Affairs, reported a bill to establish a naval academy; which was read, and ordered to a second reading. The report is as follows:

The Naval Committee, to whom were referred the resolutions of sundry officers of the navy, in relation to a naval school, report:

The subject to which the attention of the committee has been directed by these resolutions is not new to them. In the discharge of the duties assigned by the Senate, they have anxiously deliberated upon it; and before the reference which calls for this report, they had resolved to present it to the consideration of the Senate, and directed their chairman to report a bill for the establishment of a naval school.

In coming to this decision, the committee take leave to refer to the course of others who have preceded them in their action upon this interesting subject. Upon the earnest recommendation of the Executive, provision was proposed by the Senate for the establishment of a naval school in the bill for the gradual improvement of the navy, which was approved on the 3d of March, 1827, but was lost by a very small majority. At the last session of the Senate, a bill was introduced for this object, and subsequently reported by the committee, but was not finally acted upon. In again presenting it to the Senate, the committee are influenced by a strong and decided conviction of its indispensable necessity to the public interests, and to the honor, usefulness, and efficiency of the navy.

The sense entertained and expressed by the officers whose resolutions were referred, of the value of education to naval officers, and the impossibility of their obtaining it under the present system, meets the entire approbation of the committee, and they refer the Senate to them, as expressing sentiments and opinions worthy of respectful regard.

The nature and situation of the naval service exhibit strongly the necessity for the proposed measure.

Our navy visits every land and every ocean. It protects a commerce at this moment as valuable as that of any other nation, though less than one other in amount of men and tonnage, scattered over the whole habitable globe, and exposed to dangers of every possible description. In the protection of this commerce, our naval officers are often brought in contact with the Governments and official agents of every civilized nation, and are often obliged to have intercourse with them upon subjects which can only be properly treated by well-educated and well-informed men. They are, indeed, our national representatives in all other countries, and from them much of the estimate of us, as to our manners, intelligence, and character as a nation, must be drawn. It is not possible that their duties can be performed in the manner in which we should desire them to be performed, without science, intelligence, and knowledge. Besides, we are a growing nation, and it is our interest and our duty to draw from every other region every species of knowledge which can be useful to us. This can be more effectually and usefully accomplished by this, than by any other class of our citizens. But how can all these be accomplished by them, without proper, practical, and useful education? And when are they to receive this education? They are appointed when mere boys—generally between the ages of fourteen and seventeen—when it is not possible that they should be well informed and disciplined scholars. Their situation and duties in the service render it equally impossible that they should make extensive literary and scientific acquirements, beyond the mere practical duties of the seaman. They have not pay enough at that period of their service to purchase the means of instruction, nor time enough to acquire it. Their employments are too active and steady.

The only mode by which it can be secured is, by the establishment of a school, which shall combine literary and scientific instruction with practical performance of a portion of their duties; and this may be accomplished by competent teachers, and by connecting with the school one or more small vessels, in which they may be compelled, under proper guidance, to perform in turn all the services of the common sailor, with those also which belong to office and command.

The expense of such an establishment need not be large. With it, we may dispense with the present insufficient and almost useless system of instruction on board of our cruising vessels, and the money expended upon it would go far towards supplying the means necessary for the support of the school.

So many considerations enter into the selection of a place for a naval school, and it is so properly the duty of the Executive, that the committee have thought it proper to leave the selection to the Executive.

They report a bill.

The Senate then proceeded to consider the bill for the relief of Daniel Steenrod.

Mr. CLAYTON moved to commit the bill to the Committee of Claims; which was, after much discussion, agreed to.

The Senate then adjourned.

MONDAY, MAY 16.

Mr. SHEPLEY presented the credentials of the honorable JOHN M. NILES, elected by the Legislature of the State of Connecticut a Senator from that State, to supply the vacancy occasioned by the death of the honorable NATHAN SMITH.

The oath to support the constitution of the United

States was then administered to Mr. NILES by the Vice President.

RECOGNITION OF TEXAS.

Mr. KNIGHT presented the petition of sundry citizens of Bristol, Rhode Island, praying for the erection of a custom-house; which was referred to the Committee on Commerce.

Mr. MANGUM presented a series of resolutions adopted by a meeting of citizens of Burke county, North Carolina, on the subject of the affairs of Texas, recommending the acknowledgment by the Government of the United States of the independence of that country.

Mr. PRESTON said he had recently had occasion to express his hopes, his wishes, and his feelings in regard to the affairs in Texas; and as his views were known in relation to them, he was not disposed to trouble the Senate at this time with any further expression of them. And yet he could not recognise the honor conferred on him by the mention of his name in the resolutions just presented, without reiterating the sentiments expressed by him before. He could not tell why the honor was done him in this case, unless it were on account of his devotion to the cause of civil liberty generally throughout the world. He adverted to the coincidence in point of time between the receipt of those resolutions and this glorious intelligence from Texas of one of the most glorious results ever achieved. It was a gloomy period in the cause of Texas when the Mexican Governor had advanced to our own borders, with a well disciplined army flushed with victory, and in his progress had marked his footsteps with blood, when he (Mr. P.) gave utterance to the impulse of his feelings the other day. He then used epithets which were prompted by the natural feelings of his heart. But he had now no feeling against Santa Anna, for he was, thank God, a prisoner, or perhaps a corpse; and he was ready to proclaim "glory to God in the highest." The effects of that victory had opened up a curtain to a most magnificent scene. This invader had come on at the head of his force, urged on by no ordinary impulse—by an infuriate fanaticism—by a superstitious Catholicism, goaded on by a miserable priesthood, against that invincible Anglo-Saxon race. It was at once a war of religion and liberty. And when that noble race engaged in a war, victory was sure to perch upon their standard. This was not merely the retribution of the cruel war upon the Alamo, but that tide which was swollen by this extraordinary victory would roll on, and roll on, and roll on; and it was not in the spirit of prophecy to tell when it would stop.

He adverted to a period when these halls were animated in a controversy between Mexico and Spain, in which, although too young to participate in it, yet he remembered his heart beat high on that occasion for the cause of freedom. The Anglo-Saxon race was a population to which liberty belonged, and from which liberty could not be eradicated. Look, said he, across to the Gulf of California, and one Government will overspread that whole extent of country. Mexico, it was known, raised her army with difficulty, for it was well known that there was a part of the people there who were republican, and that Santa Anna had brought the army he led into the field himself, and that he was the soul of it. He was now cut off, and the impression upon the public mind would be such, that the spirit of the South and Southwest would pour thousands of volunteers on the scene of action to put an end to the struggle; and when they had once put their foot upon the Alamo, they would not look back, but onward—onward would be their march.

The Mexican Government had now no foothold--Santa Anna was now no more, and there was no Mexican Government. Texas had achieved her liberty—she had swept her foes off the land by her valiant achievements. They had conquered, in her, our rights, and by her own arms, while he had stood by witnessing the struggle for liberty.

Texas might or might not belong to us, or we to it; but talking, as the people there did, the same language with us, and having the same feelings with us, they were too homogeneous not to belong to us--they were with us and for us, and we were with and for them.

Wishing all happiness, success, and prosperity to Texas, he declared his readiness to receive her the moment her achievements had sealed her independence. He was not prepared at this time to go the length asked of him in the resolutions. A short waiting of events was necessary, before definitive action could be had. But the tidings were on the wing; and but give him the fact that Texas was a Government *de facto*, and he pledged himself, for one, to go for the recognition of her independence instanter.

Mr. P. concluded by tendering his hearty response to the sentiments of the people of the county of Burke, in North Carolina, and his acknowledgments for the honor they had done him in the mention of his name.

Mr. WALKER said he had, upon the 22d of April last, called the attention of the Senate to the struggle in Texas, and suggested the reservation of any surplus that might remain in the Treasury, for the purpose of acquiring Texas from whatever Government might remain the Government *de facto* of that country. At that period (said Mr. W.) no allusion had been made, he believed, by any one in either House of Congress to the situation of affairs in Texas. And now, (said Mr. W.,) upon the very day that he had called the attention of the Senate to this subject, it appeared that Santa Anna had been captured, and his army overthrown. Mr. W. said he had never doubted this result. When, on the 22d of April last, resolutions were introduced before the Senate by the Senator from Ohio, [Mr. MORRIS,] requesting Congress to recognise the independence of Texas, he (Mr. W.) had opposed laying these resolutions on the table, and advocated their reference to a committee of the Senate. Mr. W. said he had addressed the Senate then under very different circumstances from those which now existed. The cries of the expiring prisoners at the Alamo were then resounding in our ears; the victorious usurper was advancing onward with his exterminating warfare, and, in the minds of many, all was gloom and despondency; but Mr. W. said that the published report of our proceedings demonstrated that he did not for a moment despond; that his confidence in the rifle of the West was firm and unshaken; and that he had then declared that the sun was not more certain to set in the western horizon, than that Texas would maintain her independence; and this sentiment he had taken occasion to repeat in the debate on this subject in the Senate on the 9th of May last. Mr. W. said that what was then prediction is now reality; and his heart beat high, and his very pulse throbbed with delight, in contemplating this triumph of liberty. Sir, (said Mr. W.,) the people of the valley of the Mississippi never could have permitted Santa Anna and his myrmidons to retain the dominion of Texas.

Look (said Mr. W.) at the maps, and observe the extraordinary corners and angles of our present boundary—that boundary, by the treaty of 1819, by which Texas was sacrified; by which the valley of Mississippi was dismembered; by which the great territories of the Mississippi, the Arkansas for hundreds of miles, and the Red river for a thousand miles, were virtually surrendered to Spain; by which the right to navigate the Mississippi was in fact ceded to Spain, and a foreign power placed on Red river, within three days of New Orleans; a treaty by which the most valuable territory, and the most im-

portant harbors on the Gulf of Mexico were given up, an enemy placed within a few hours' sail of New Orleans, and the command of the Gulf abandoned; a treaty by which five or six States (in the prospective) were torn from the banner of the American Union, by which the balance of power between the North and the South was broken; a balance, by establishing which, whilst the North maintained its numerical preponderance in the lower House, the South would maintain a majority in the Senate, and thus each section be prevented from oppressing the other, and our glorious Union be rendered perpetual. And, (said Mr. W.,) let gentlemen look at the nature of the population of Mexico; let them examine Malte Brun, and they will find that the valley of the Mississippi never could have permitted Santa Anna to settle Texas with the mixed colored races of Mexico. He said that, by a reference to Malte Brun, it appeared that of the eight millions that peopled Mexico, but one seventh were of the white race; and that since that period the expulsion of the European Spaniards had still further diminished their number. The rest were Africans, Indians, Mettizos, Mulattoes, and Zambos, speaking twenty different languages, and constituting the most poisonous compound that could be amalgamated; united in but one thing—their subjection to a tyrannical priesthood, and their total ignorance of the first principles of civil and religious liberty. And could this miscalled republic be permitted to dismember the great valley of the West, to establish a Government of Zambos and Mettizos, of Africans and Mulattoes, upon the borders of Louisiana and Arkansas, in the very heart of the country, commanding the great tributaries of the Father of Waters, constituting an asylum for fugitive slaves from the West; a people prepared to join at any moment in predatory incursions upon the frontiers; prepared to unite with and instigate the people of their own colored race within our limits to deeds of bloodshed and massacre? No, (said Mr. W.,) this never could, it never ought, it never would have been permitted by the people of the West; and Mr. W. rejoiced that the conflict was over.

The resolutions were then ordered to be printed.

After transacting some other business,

Mr. WHITE moved that the Senate proceed to the consideration of executive business.

The motion was opposed by Mr. CALHOUN and Mr. GOLDSBOROUGH, but was carried in the affirmative: Yeas 26.

The Senate then proceeded to the consideration of executive business.

After sitting some time with closed doors,

The Senate adjourned.

TUESDAY, MAY 17.

ALPHONSO WETMORE.

Mr. NAUDAIN moved that the Committee of Claims be discharged from the further consideration of the petition of Alphonso Wetmore. To account for the motion, he read a sentence from the memorial, in which the petitioner, in reference to a former application, expressed the presumption that his honor would not again be assailed, declaring his determination to punish an insult, were it even in the court of Heaven!!

Mr. WEBSTER asked how it had happened that such a petition had been presented?

Mr. LINN said he could answer that question. He had hastily glanced over its contents, and the offensive words had escaped his notice. But, had he seen them, he would not say that he should not have presented the petition. He had no objection to having a dozen such referred to him. He could let them pass for just so much as they were worth, and not bring them into importance by any specific reference to them.

Mr. WEBSTER reminded the Senator that there was a rule of the Senate which required that every Senator should be responsible for the respectful terms in which the petitioner addressed Congress.

[Mr. LINN's reply was not heard. He was understood to say that had he seen the language, the recollection of the rule would have induced him to refrain from presenting it.]

The committee were then discharged from the further consideration of the petition.

ALABAMA AND MISSISSIPPI FIVE PER CENT. FUND.

On motion of Mr. WALKER, the Senate proceeded to consider the bill to carry into effect, in the States of Alabama and Mississippi, the existing compacts with those States in regard to the five per cent. fund, and the school reservations.

The object of this bill is to reserve the one thirty-sixth part of the lands ceded by the Chickasaws in the abovenamed States, for the use of schools, and also the five per cent. fund to be allowed under the compact.

The only alteration proposed was an amendment moved by Mr. WALKER, providing that the selections of the lands should be made "out of any public lands remaining unsold that shall have been offered at public sale," instead of "out of any public lands remaining unsold that have been heretofore offered," &c.

The amendment being agreed to, the bill was ordered to be engrossed.

On motion of Mr. WHITE, the Senate proceeded to the consideration of executive business; after which,

The Senate adjourned.

WEDNESDAY, MAY 18.

VOLUNTEERS.

Mr. KING of Alabama observed, that they had received information that morning of a character which rendered it necessary that they should proceed, without delay, to the consideration of the bill providing for raising an additional force for the protection of the frontiers. They had undoubted information that the Creek Indians, who had, for some time, been in communication with the Seminoles, had manifested a hostile spirit. In this state of things he deemed it unnecessary to say any thing more than to ask the Senate to take up the bill from the House authorizing the President to accept the service of volunteers, and he hoped that the amendments made to it by the Senator from South Carolina [Mr. PRESTON] would obviate all objections to it, and that it would be passed and sent back to the House immediately. If they wished to avoid the scenes of horror that had been witnessed in Florida, it was necessary for them to act at once.

The bill was then taken up, and, after the amendments had been explained by Mr. PRESTON, they were agreed to, and the bill was ordered for a third reading.

INDIAN BILL.

On motion of Mr. WEBSTER, the Senate proceeded to consider the bill making appropriations for the current expenses of the Indian department, for Indian annuities, and other similar objects, for the year 1836.

Mr. WEBSTER stated that, since the bill had been reported, various communications had been made from the department, which had induced the Committee on Finance to offer sundry amendments.

The first amendment proposed by Mr. WEBSTER was, after the clauses making appropriations for the Florida Indians, to insert a proviso that no part of the sum thus appropriated should be paid to such Indians as have been or are actually engaged in hostilities against the United

States, unless, by any change of circumstances, the President shall be induced to cause the same to be paid to them.

This amendment was agreed to.

The second amendment, increasing the appropriation for the expenses attending the execution of the treaty with the Creeks, of March 24, 1832, from $7,000 to $17,000, was agreed to.

The third amendment, increasing the appropriation for the expenses of the Choctaw treaty, from $6,000 to $8,900, was agreed to.

Mr. WEBSTER then submitted several communications from the War Department, showing that a considerable addition would be required to the appropriations for removing Indians.

After these communications had been read,

Mr. WEBSTER moved to amend the bill so as to conform to the estimates of the Secretary of War, which were founded on the supposed fact that 12,000 of the Creek Indians would be prepared to remove this summer.

The amendment was agreed to.

Mr. LINN offered an amendment providing for the salary of a clerk for the superintendent of Indian affairs for the Territory of Wisconsin, ($1,200;) which was agreed to.

Mr. WRIGHT offered an amendment authorizing the Secretary of War to invest, in some safe public stocks, the sum of $33,000, the balance remaining from the sales of the lands acquired under the treaty with the Seneca and Sandusky Indians; which amendment was also agreed to.

Mr. WHITE submitted an amendment providing that the appropriation of $40,000 for removing the Indians of Wisconsin to the neutral ground on the borders of Missouri, shall not be used, unless said Indians will agree to emigrate to the country on the south side of the Missouri river.

Mr. W. explained the objects of the amendment, and strongly urged its propriety. If these Indians, he said, were troublesome neighbors now to the whites, they would be equally so in the country to which it was proposed to remove them. Indeed, they might as well remain where they are, as to be sent to the very borders of Missouri, and close upon the white settlements, and he hoped that the amendment would be adopted; so that if they were removed at all, they would be sent where they were not likely to give future trouble. Mr. W. spoke of the delays in the emigration of the Indians; he did not censure the Secretary of War, who had done every thing in his power to hasten the emigration; but there was blame somewhere, and it must be in the incompetence or unfaithfulness of some of the agents that had been employed.

Mr. KING of Alabama said, the interest of speculating white men had greatly retarded the removal of the Indians. The last agent appointed, he believed, was faithful, but had found his energies counteracted by these interested whites. The Secretary of War had facilitated their removal, by taking measures to prevent their being daily forced to travel unreasonable distances, and also to prevent their being exposed to inclement weather. But notwithstanding every precaution used by the Government to prevent it, he believed frauds had been committed which caused the difficulty with the Indians; and he therefore hoped the amendment containing the appropriation might prevail.

Mr. CALHOUN hoped that some gentleman who understood the subject would explain the uses for which this appropriation was intended, and the prospect there was of its being applied so as to accomplish the object in view. For his part, he feared that it would, like other appropriations of the kind, be productive only of the greatest frauds. He had long anticipated things of this kind. He had long believed that this Indian department was one of the branches of the Government under which the greatest frauds would be perpetrated—that, and the public lands, and the banking system. He only regretted that the speculators in Indian lands were not the persons to suffer, instead of the frontier inhabitants. It made his heart bleed to think of the sufferings of the innocent frontier settlers. All these evils, he said, had been the result of mismanagement. The persons appointed had been generally incapable or unfaithful. The Government ought to have appointed men of intelligence, of firmness, and of honor, who would have faithfully fulfilled their obligations to the United States and to the Indians. Instead of that, men were sent out to make fortunes for themselves, and to oppress the Indians. He believed that the two Indian wars they had had were the result of mismanagement, and that the one that was announced that morning might be traced to the same cause. All this resulted from want of capacity or honesty in the agents sent out by the Government. Did he not see, on one hand, large fortunes built up, and, on the other, the most degrading subserviency to those in power?

The prominent cause of these Indian disturbances had been the reservations, which he had invariably opposed from the first, predicting that they would be followed by speculations, the grossest frauds, and by the greatest injustice to the Indians themselves. He recollected that when the first Indian treaty, containing reservations, was brought in the Senate, it was strenuously opposed by a distinguished Senator from New York, (Rufus King,) who demonstrated the evils that these reservations would lead to. That treaty was confirmed; and since that time the system had been kept up, always accompanied by the same abuses. There was no remedy for this state of things, but in the appointment of honest, capable men, who would consult the interest of the Government and the welfare of the Indians, rather than their own selfish purposes. Let gentlemen think of the course of this administration, and the consequences of its mismanagement of public affairs. First, there was a French war threatened; then a Seminole war; next the probability of a war with Mexico; and now a Creek war. All this was the consequence of converting this Government into a political electioneering machine, instead of properly administering the high trusts that had been confided by the people. He hoped that some gentleman who understood this matter would explain the necessity of the appropriation.

Mr. WHITE said these were Indians who inhabited the other side of the Wisconsin river, and to whom we had agreed to give a particular sum for their lands. They had remained in the place to which they had removed, until they had expended all their money, and then returned back again to their old place of habitation, and were there now, to the great annoyance of the people. The nation had an annuity of ten thousand dollars. The object of this provision was, (although we were now under no obligation to advance them one dollar,) that the money should be withheld, unless they would go beyond the Missouri river, and remain there. The white people were settled close by them; and unless they were removed while in our power, they would be on the whites, and serious difficulties would arise. It was a matter of regret that the Indian agent there, who was an intelligent man, and had the subject much at heart, had recently died.

Mr. PORTER observed, that if the object was to place these Indians on the immediate borders of Missouri, the honorable Senators who so ably represented that State could better judge than himself whether they would be agreeable neighbors. For his part, he was opposed to the removing any more Indians to the borders of Mis-

souri, Arkansas, and Louisiana, although there might have been some good reasons for removing them from the interior of a State; yet when they came to the removing them from the Territories, it would be well to consider whether they were not doing more harm than good by the measure. This was the first step, Mr. P. said, in the removal of Indians from the northwest, to place them on the borders of the southwestern States. He had much rather that the people of the northern part of Missouri should submit to the inconvenience of having such neighbors, than that they should be added to the number of Indians already on the borders of Louisiana. Let the Indians on the north of Missouri, said Mr. P., remain there; the people of the northwestern States were not anxious for their removal; it was only the speculators, who were anxious to get the Indian titles to their lands extinguished. This continually extinguishing Indian titles, while they had such large quantities of lands of the best quality yet unsold, benefited no one but the speculator, who believed that he could more readily get purchasers for the new lands, and that greater fortunes could be made by them.

Mr. LINN exhibited to the Senate a statistical account of the number and location of the different Indian tribes, and said that the State of Missouri had objected to the policy of locating them in her vicinity, but eventually submitted to it; and he would not now object to that system of policy being carried out. He would rather see them located on one frontier border than on two, as it was easier to establish an efficient line of posts for the protection of one, than it would be for the protection of two frontiers. He agreed with the views of the Senator from Tennessee, [Mr. WHITE.] It was too late to inquire now into the fact as to whether they had been cheated, which had been admitted from the beginning. The Senator from South Carolina [Mr. CALHOUN] was mistaken as to the Black Hawk war. In that case, the Indians were bought off by salt and corn, and came back again expecting to be bought off again, and, being disappointed in not being bought off, commenced hostilities.

Mr. CALHOUN regretted much that the Senator from Indiana, [Mr. TIPTON,] who knew more about the origin of Black Hawk's war than any body else, was not in his place. That gentleman rose in his place, and declared that that war broke out in consequence of the mismanagement of the officers of the Government. Let the Senator from Missouri recollect that this acknowledgment came from one of the warmest friends of the administration.

He acknowledged, with the Senator from Missouri, that the Indians had been treated wrong from beginning to end; which, unfortunately, would ever be the case, when savage and civilized man came in conflict; but this was no reason why they should suffer their agents to practise frauds both against the Indians and the Government. They ought to have honest, intelligent, and active men to manage their Indian affairs, or there never would be an end to these abuses. There were no people on earth so easy to deal with as our half-civilized Indians. It only required ordinary justice, a mild but firm course of conduct, with a strict adherence to truth in all transactions with them; and it was the easiest thing in the world to keep them quiet. The Senator spoke of the cordons of Indians around the frontier; but let him look to the heavy annuities paid them, which made it their interest to keep at peace. With proper management, they were the best allies we could have to keep off the wild Indians at a distance. He saw, he said, very plainly, the progress of events. These Indian disturbances were to furnish the pretext for a large increase of the standing army. This was the consequence of carrying out the principles of the spoils party, enriching men with large jobs and contracts, and the system to be kept up by a large military force. He repeated that there never was a time when it was so easy to keep the Indians at peace. Their frontier posts were greatly extended, and the Indians were driven back into the prairies; and, though they were formidable in the woods, being the best light troops in the world, they were entirely helpless in the open plain. If they would appoint honest, faithful, intelligent men, to transact their business with the Indians, instead of broken down politicians, men sent out to be rewarded for party services, these Indian disturbances would soon cease; but unless that was done, it was apparent that there would be continual disturbances, creating causes for wars, to be followed by a large increase of the standing army. He should not oppose the appropriation after the explanation of the Senator from Tennessee, but he feared that it would be used to give jobs to reward some political partisans.

Mr. LINN said he did not rise to prolong this discussion, but merely to do justice to the character of an individual now no more. Injustice had been done the agent of the Sacs and Foxes, in saying that the Black Hawk war was caused either by want of character or competency. He had the pleasure of an intimate acquaintance with Mr. St. Vrain, the agent, and knew him to be a man of sterling virtue, active, and of business habits, and very intelligent. He had done all that mortal man could do to prevent the war with Black Hawk, and was cut off in the prime of life by a band of the Winnebagoes, who were on their way to join the forces of Black Hawk. He fell in the discharge of his duty to the Indians and to his country. The appointment of agent was not given to him from political considerations, as he was known to be what was then called a Clay man.

Mr. WHITE repeated, that if these Indians were not removed southwest of the Missouri, difficulties and schisms would take place between them and the whites. But, by removing them southwest of the Missouri, we would have a natural boundary between them and our people. And if he belonged to Missouri, he would prefer having them removed across the river; for although they might be nearer, they could not be so annoying to the whites as if on two borders, and not bounded by any natural boundary. The plan was, if they were removed there, to have laws adapted to them enacted for their Government. But if removed to where they now own the lands, no practical benefit would result from it. Take them from among the settlements in Wisconsin, under the direction of a faithful agent, and, instead of endangering, they would add to the safety of the States near whose borders they were to be removed to; and so far from being apprehensive of any injury from them, their attachment was so strong to the United States, that he would repeat what he had said before, that if the country was in need of volunteers, there was no part of our white population that would make more faithful soldiers than they. If they were to remain to annoy our whites, they might as well remain where they were, as to remove them back to the place proposed in the bill.

Mr. WALKER did not rise to continue this discussion, but to notice some observations that had fallen from the Senator from Louisiana, [Mr. PORTER.] The Senator supposed that the removal of the Indians from Mississippi and Alabama to the borders of Louisiana, had operated unfavorably towards that State. Now he took it upon himself to say that it was a measure the most favorable to her interests; the Choctaws, the Indians thus removed, having been uniformly the friends and allies of the United States, from the time of the revolution to this day. These Choctaws had invariably been our warmest friends; they had fought by the side of our riflemen,

both in the revolution and in the last war. And as the Senator from Tennessee well observed, he would rely on no volunteers sooner than they for faithful and efficient service. If the Senator from Louisiana would inquire at the War Department, he would find that these Choctaws had offered to raise a thousand volunteers to act against the Seminoles. So far from the removal of these Indians having been a disadvantage to Louisiana, the putting them on her frontiers rendered her more secure.

Mr. PORTER said, if the people of the States of Mississippi and Alabama loved these Indians so, they ought not to permit them to pass beyond the lines of their States. He apprehended there would be nothing but "weeping, wailing, and gnashing of teeth," on account of the dear Choctaws being removed away beyond the Missouri river; but he contended, however, that, whatever might be the state of their feelings now towards the whites, there was no certainty as to what it might be in the coming generation or a hundred years hence.

Mr. WALKER replied that the people of Mississippi and Alabama never intimated that these Choctaws were troublesome or dangerous neighbors; it was only because they occupied a valuable territory in these States, keeping the States dismembered, that they wanted them removed.

Mr. WHITE's amendment was then agreed to.

After being further amended, the bill was ordered to be engrossed for a third reading.

PAYMASTERS.

A bill to authorize the President to appoint three additional paymasters, was read a third time.

Mr. BUCHANAN requested that the bill should lie until to-morrow. He had received a long letter from a friend, in whose judgment he had much confidence, against the whole system of paymasters.

Mr. PRESTON, although willing to accommodate, stated that he felt himself, in this instance, acting under restraint. He referred to the state of the country, and the absolute necessity which existed for these additional paymasters.

Mr. BUCHANAN reiterated his request, and said, if the bill were laid over one day, he should not be inclined to oppose it. If not, he should be obliged to put his information in the hands of a member of the House.

The bill was then passed.

On motion of Mr. WHITE,

The Senate proceeded to the consideration of executive business; after which, the Senate adjourned.

THURSDAY, MAY 19.

VOLUNTEERS.

On motion of Mr. KING of Alabama,

The Senate proceeded to the consideration of the disagreement of the House to the Senate's amendment to the bill authorizing the President to accept the services of volunteers for the defence of the frontiers; when,

Mr. KING of Alabama moved that the Senate insist on its amendment. He looked on this amendment of the Senate as a very important one, and that without it the corps to be raised would not be an efficient one. The difficulties with the Executives of the States, with regard to the appointment of the general and field officers, would effectually prevent this corps from being so organized as to be efficient and useful. He hoped that the Senate would insist on its amendment, and that a message would be sent to the House without delay, so as to expedite the passage of this bill as much as possible.

Mr. CALHOUN understood that the effect of this disagreement of the House was to change the character of this volunteer force from regular soldiers to volunteer militia. The bill, in this particular, as it came from the House, might have been informally worded; but he thought the intention of that body was sufficiently expressed that this should be a volunteer militia, and not a regular force. He hoped that the Senator from Alabama would, in a spirit of conciliation, agree to add to his motion a request for a conference. Mr. C. then moved to amend the motion of Mr. KING, by adding the words, "and ask for a conference."

Mr. KING of Alabama asked for a division of the question as it stood; and after a discussion, as to the points of order, between Messrs. CALHOUN and KING of Alabama,

The CHAIR stated that the proper question would be, "Shall the question on the motion of the Senator from South Carolina be first put?"

This question having been decided in the negative,

Mr. CALHOUN withdrew his motion.

The question was then taken on Mr. KING's motion that the Senate insist on its amendment, and decided in the affirmative.

Mr. HUBBARD thought that it would expedite the passage of the bill through both Houses to have a conference with a committee of the other House.

Mr. CALHOUN renewed his motion to ask for a conference; which motion was agreed to; and the committee, with the unanimous consent of the Senate, was appointed by the Chair, consisting of Messrs. CALHOUN, KING of Alabama, and BUCHANAN.

TRANSFERS OF PUBLIC MONEY.

The following resolution, submitted on Tuesday by Mr. EWING of Ohio, came up for consideration:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what amount of transfers of the public money has been made by his direction, since the 30th of June last, from the Commercial Bank of Cincinnati, and also from the Clinton Bank of Columbus, to banks east of the Alleghany mountains; giving the date and amount of all such transfers, and the banks from and to which they were made. And, also, that he inform the Senate what transfers are ordered from each of the abovenamed banks, and when and to what banks they are to be made; that he also inform the Senate what amount of transfers was made to each one of the said banks in Ohio, since 30th of June last, and what amount, if any, is now ordered to each.

Mr. HUBBARD moved to amend the resolution by inserting "and the Franklin Bank of Ohio," which was also a deposite bank in that State, and which was omitted in the resolution in its original form.

Mr. EWING, of Ohio, explained his object in moving the resolution. He said that, about the middle of last month, a resolution had been adopted by the Senate, inquiring of the Secretary of the Treasury whether he had given to the deposite banks power to direct what currency should, and what should not, be received for the public lands; and also what amount of the public moneys had been, since the 30th of June, 1835, transferred, by his directions, from the four northwestern States and the Michigan Territory to the Eastern cities, and whether further transfers were ordered. This resolution, (said Mr. E.,) after long delay, drew forth two answers, in all occupying between twenty and thirty printed pages—a mass of matter, intricate, ill-digested, and involved, so that few persons can have the patience to read it; and most of those who do, will rise from the perusal without deriving any certain or definite notion of the meaning of the Secretary, and with few facts distinctly impressed upon the mind. This, however, is, I presume, rather the misfortune than the fault of

the Secretary; it is very much in character with all his state papers. He explains upon the plainest propositions in the world, until he obscures them. Even his figures, in his financial tables, are repeated and involved, until they become nearly unintelligible.

I have examined these reports with great care, and I am still at a loss to say whether the direct inquiries put to him by the Senate have, in one part or another of his report, or in all together, received an answer. If they have, those answers are to be sought after and sifted from among so much trash, that it costs more than they are worth to find them. It is as if he had owed an ounce of gold, and should pay it by delivering a wagon-load of sand, containing the ounce of gold distributed through it in dust.

But I have gone through the labor (from which God preserve my friends!) of reading and examining this report; and I find that its tendency, in one most important particular, is to produce a false impression, and I, on a cursory reading, was in fact deceived by it. Hence this resolution which I have offered, to get, if possible, something in plain and direct language, such as sums and dates, which will set the matter right.

It will be recollected that a circular of the Clinton Bank of Columbus, one of the deposite banks in Ohio, gave rise to the former resolution of inquiry. That circular informed the other banks in Ohio that none of their notes would be received in payment for public land, except such as would agree to redeem them by drafts on some of the Atlantic cities, at thirty days' date; and giving as a reason for such a harsh requisition, that nearly all the public money which they received had necessarily to be transmitted there. This reason for the inquiry was fully developed in the remarks which I made on presenting it. It was to ascertain from the Secretary whether this constant drain of our western funds was in fact going on; whether the public money was, as fast as it was paid in for lands, transmitted by order of the Treasury to the eastern cities. The resolution further directs him to state to and from what banks such transfers have been made.

In answer to this, the Secretary says, in his second report, pages 1 and 2:

"All the transfers of public money, from the 30th June, 1835, to the 23d of April, 1836, derived from every source, and made from the western States specified; to any cities east of the Alleghany mountains, have been as follows: From Ohio, deducting the amount sent there within the period named, by previous transfers from Indiana and the agency in Missouri, only $45,000; (there having been transferred to Ohio $1,570,000, and from there but $1,615,000.) From Indiana, except those to the Commercial Bank of Cincinnati and its agency at St. Louis, and thence to eastern cities, $00. From Illinois, except the deposites from that State made in St. Louis, Indiana, and Michigan, and included in theirs, $00. From Missouri, except through the agency of the Commercial Bank of Cincinnati, $00.

"But, from Illinois, Missouri, and Indiana, through deposites in the agency of the Commercial Bank, and transfers thence directly to the eastern cities, $200,000; and circuitously from those three States to Ohio, and thence east, about $1,015,000 more, (viz. in all, from Indiana about $470,000; from Missouri about $500,000; and from Illinois about $845,000.

"From Michigan, of all deposited there, from all quarters, the sum of $2,050,000.

"These sums, amounting to $3,865,000, constitute the aggregate of all the transfers from all the western and northwestern States, and the Territory named in the resolution, to any part of the East, whether consisting of money received there for lands, customs, debts due, miscellaneous sources, or money which had, before the 30th June, 1835, been transferred from eastern cities to the West and Northwest, for public expenditure, but was still remaining on hand."

And again, in page 3, he says:

"The probability therefore is, that, from June, 1835, to the 23d of April, 1836, the whole amount of transfers of money collected for sales of land alone, and made from Ohio to the east of the Alleghany mountains, deducting the amount brought there by transfers from elsewhere, has been little or nothing; as the amount of transfers thence of money received from all sources, and beyond what has been transferred to Ohio during the same period, was only $45,000. This equals about 1-253d part of the amount which, during that period, has been received from the sales of land in Ohio, and still leaves in that State over one million of dollars of public deposites; and in her banks, including the agency, about two and a half millions of dollars of those deposites."

And in page 11 he gives the banks from and to which the transfers have been made, without specifying amounts. Thus:

"From the Commercial Bank of Cincinnati, and its agency at St. Louis;
Clinton Bank, at Columbus;
Bank of Michigan, and Farmers and Mechanics' Bank, at Detroit:
And to the Union and Franklin Banks, at Baltimore;
Girard Bank, and Moyamensing Bank, at Philadelphia;
Bank of America,
Manhattan Bank, and } at New York."
Mechanics' Bank,

Now, sir, I ask you what you would understand from this? Would you understand that nearly the whole amount paid into the Clinton Bank at Columbus, which was the principal subject of inquiry, had been transmitted, or was under order of transmission, to the favored banks in the eastern cities? Would any one believe it, who for a moment supposed that a fair, full, and true answer was intended to be given by the Secretary of the Treasury to the call of the Senate? Sir, I believe the answer to be true, not only in the letter, but the spirit. When matters which occurred in the Post Office some time since are not fresh in my mind, I am in the habit of thinking that our high public officers are above this very pitiful evasion, and even statements calculated to deceive. I supposed the report of the Secretary contained the whole truth; and, thinking so, I, on its coming in, felt bound to do him what I supposed to be justice, and to cast the blame elsewhere, of a part, at least, of the mischiefs which were brought upon the public. But a day or two ago I received information which led me to believe that I had been deceived by the report of the Secretary. In order to settle that matter, I offered this resolution, which is so framed that I think he cannot evade or slur it over. This morning, my resolution being on your table, I find in the Globe the following, which, from its professed exactness, I presume has its origin in or near the Treasury:

"THE CLINTON BANK.—Some of the opposition members in both Houses of Congress, from Ohio, have most shamefully assailed this institution of their own State, because it is one of the deposite banks.

"Mr. Ewing represented that only 45,000 dollars of the public money had been transferred by this bank during the past year. This had been already shown to be altogether fallacious. But, in justice to the Clinton Bank, we state, that we are informed this bank transferred, in less than one year, 495,000 dollars, and that by the 20th of next month it will have transferred 200,000 dollars more; and all without the smallest expense to the Government."

So much for giving too easy credence to official statements, and to the candor and fairness of executive officers.

There are a few other matters set forth in this report, which I think it proper to notice. The Secretary, after stating the amount of transfers from the West to the East, says (page 7) that "this small amount of $3,500,000 has been transferred from banks and States where the excesses had become unprecedentedly great, to banks and States where there is still a deficiency for all probably just and useful fiscal objects during the current year." And in another part of the report he says that the amount of these transfers from these northwestern States have been but about one million greater than the transfers from one single city (meaning, I suppose, New York) to other parts of the Union.

Now, if there have been in fact, as is stated in the Globe, (and I suppose the statement is by authority,) these large transfers made and still making from the Clinton Bank, is it true that it was because there was an excess of the public money in that bank, and in that district of country? The Clinton Bank is the only one having deposites which can use them in any manner to the advantage of the northern and eastern half of the State of Ohio, and that bank I believe has not had more at any one time than about $400,000. The banks to which the transfers have been made, within the distance of about two hundred miles on the seacoast, have about $20,000,000, and are in the receipt of nearly all the customs. They, it seems, are to hold on to all they have got and all they receive, and the transfers to them from the West are to meet and balance the transfers from them to other parts of the Union. How stands the alleged deficiency of the money in these city banks for ordinary expenditures? They have now about twenty millions, and they will probably receive from customs, within the year, twelve millions more. How is this to be expended? and where the necessity of these further transfers, this perpetual drain on the West, of all the money that is in it, or that is brought to it?

But as a further excuse for these heavy transfers, of which he himself evidently feels the injustice, the Secretary says, in pages 9 and 10 of his report:

"It is proper to add, further, that the prospect of an interruption of trade, if not a war with France, existed when many of these transfers were ordered, and when it was anticipated that great and unusual expenditures would, at an early day, be authorized on the seaboard; and that, since the prospect of those difficulties has disappeared, and the protraction and expenditures incidental to the Indian war in the South, as well as the indications of trouble on the Mexican frontier, have increased, the new transfers, become proper by new accumulations, have been mostly turned in a different direction, towards the southern quarter of the country, and rendered more easy, by following the course of much of the heavy trade down the Mississippi. For like reasons, the surplus at the South and Southwest has recently been allowed to augment more, and considerable transfers have been made thither from New York, as well as the West, and several large payments made by warrants on the New York banks in favor of the disbursing officers in the South."

Now, if the prospect of a French war was indeed the cause of any of these transfers, as is intimated, why is it that, since the prospect of war has ceased, those transfers still continue to be ordered? And why is it that, while transfers are made from Ohio to New York, transfers are also ordered from New York to the Southwest, instead of permitting them to take the easy current of trade down the Mississippi, where the produce of the West finds its earliest spring market? I know not who may profit by these circuitous transfers, but I do know that their effect is to distress and embarrass the people. But we have a clew to much of this matter in another part of the report. I have frequently asserted upon this floor my conviction that the public deposites were made the fund with which companies of speculators, with enormous capital, purchase in the choicest parcels of the public land. Now, sir, bear in mind what is said in the above paragraph respecting transfers of the public money from the Northwest to the Atlantic cities, and from those cities to the Southwest; bear in mind this suggestion, and then examine with me the actual condition of things, and you will, I think, perceive its solution.

First, then, it will be perceived that the Secretary of the Treasury, either by himself or his agents, the deposite banks, requires that eastern funds only shall be paid for western lands; for, if the notes of banks be taken, who agree to redeem their notes in eastern funds, it is in effect the payment of eastern funds for the lands. They alone answer the purpose; and where they are not to be had, no purchases can be made. The people in the western States cannot get those eastern funds, nor can they get specie to any extent, for it is not in the country, except what is in the vaults of the banks; and they dare not loan in such manner as to draw it from them. The public lands, then, can be purchased only by those who have the confidence of the eastern deposite banks; that is to say, the companies of speculators who are formed in the eastern cities, and who are buying up the whole western country. The Secretary of the Treasury intimates, (p. 6,)--what is no doubt the fact—that nearly all the money paid for lands comes from the eastern cities; and he is pursuing the course which will make it continue to be so. He is making the fund in the deposite banks in those cities inexhaustible, by returning the public money to them as fast as it is paid in for lands in the West; so that it has only to take its round, and be paid and repaid for lands, at the pleasure of those who manage it. For example: the Manhattan Bank lends a million of dollars to a company of land speculators, who choose to purchase up and monopolize all the fine land in the northwestern part of the State of Ohio, or in the adjacent parts of Indiana and Michigan. The notes of this bank, being receivable for public lands, are given to the company on their loan, and by them paid into the land offices; they are paid over by the receiver to one of the Detroit banks or to the Clinton Bank of Columbus, and by them transmitted, under an order of the Secretary of the Treasury, back to the Manhattan Bank; that bank, then, can lend these same notes out again to the same company, and they will do to buy land again three or four times in the course of the summer. If they happen to get worn out in the service, it is very easy to supply new ones; for these companies, which make large entries, use large bank notes. Those of $500 or $1,000 suit their purpose very well, and it will be no hardship to them if small notes are no longer receivable for public lands.

You see, Mr. President, how this thing works. No one can be blind to it. The rage of speculation is thus carried to its height, and the means of speculation is, by the custody of the public funds, made infinite; there is no conceivable bound or limit to them, when the speculators can secure the confidence of the deposite banks, and the favor of the agents of the Treasury. And what does the public get for these lands? Nothing at all. You pretend to make cash sales—sales for funds better than specie; but they are in effect sales on credit. You trust the deposite bank—the deposite bank trusts the purchaser—not a dollar of specie or any thing available is paid into the Treasury; in the mean time you part with your most valuable lands, and they go into the hands of those who will sell them out at five

times their cost to the farmer, when he wants to purchase, and can get the means. But this is not all. The citizen of Ohio or Indiana, who wishes to purchase a few quarter sections, either for his own use, or to settle his sons when they shall grow to manhood, cannot enjoy any share of this credit system; for the money paid for the land goes to the eastern cities, and is in the power of none but eastern borrowers. No man in moderate circumstances anywhere can share in it. It is your men worth a million that take advantage of it. The western farmer and mechanic are driven out of the market; for the notes of the western banks will not be received for land, (so says the Secretary and his agents;) and those western banks dare not, and cannot, lend out their specie, or lend to those who will draw specie at once from their vaults. Thus this Treasury arrangement has had the effect of driving small purchasers of public land out of the field. They can get no funds to buy with. It drives all western men out of the field; for no funds that they can command will buy of the Government the land adjacent to their farms. But the agent of the New York, or Boston, or some other land company, can come in and purchase up whole counties, and give in payment—what? Not gold or silver. No, sir, notes—large handsome notes, on the Manhattan Bank, the Girard Bank, or some other bank that has about one dollar in cash in its vaults to every ten dollars that it owes. This is the game, sir, that is playing; whether it be wicked, or merely weak, in those who manage it, I am not called upon to decide. But this is our improved currency—thus it is that you destroy monopolies. These are your arrangements for the benefit of the poor man. Never was a public Treasury or the finances of a country more shamefully mismanaged.

The Secretary further says, in page 13 of his report:

"Many predict, contrary to my own anticipations, that the ease in the market, and abundance of money throughout the country generally, will continue so great and unusual, that many more millions of active capital, ranging from twenty to thirty millions, will be parted with in a similar way in the course of the present year."

Was there ever a more flagrant insult upon the knowledge and understanding of an intelligent people? Many predict that the ease in the market, and the abundance of money, will continue so great and unusual! That is to say, the abundance of money is now great and unusual; the market is now easy in all parts of the country; and many predict it will continue so. This is the meaning of the paragraph, if it were penned in sober truth. If it be a sneer at the mischiefs which have been brought upon the country, it is subject to another and a different construction. But, sir, who feels that the market is easy and money abundant in all parts of the country? None—none except the deposite banks and those who have credit with them. To them it is easy; to these land companies it is easy; for they pay nothing but paper, which can be manufactured cheap, for the finest lands that the sun ever shone on. But to the farmer, the mechanic, the merchant, the money market is not easy, but the reverse.

I am one of those who, early in the present session, predicted something about the sales of the public lands for the present and future years; and what I did predict was, that, if the present deposite system continued, and if money were permitted to accumulate in the Treasury, it would continue to pass into the hands of speculators, and that there would be not less than $20,000,000 borrowed out and paid in for public lands by the favorites of those banks and of the Treasury, while men engaged in the ordinary and useful avocations of life would find embarrassment and difficulty in their pursuits, and while the Government would accumulate a mass of unsound and unavailable bank credits in exchange for its lands. The first quarter of the year has gone beyond the prediction; nearly six millions have been received from public lands, and it is all bank paper or bank credit. So it goes.

The Secretary says he is anxious to get clear of the responsibility of managing these funds. And it is time he should do so, for he must now feel his utter incapacity to manage them; and we talk now of regulating the deposites by law, and investing the surplus money in some way so that it will be safe and useful to the country. But no such thing will be done. Nevertheless, I doubt not that a large majority of the Senate, and of the House also, individually think that it ought to be, and wish that it may be, effected. But the party—that invisible power which rules over our deliberations, as absolute in its decrees as destiny itself, does not will it, and it cannot be done. But your public money must remain where it is, and continue to be applied as it is, until certain political objects shall have been effected, and certain favored individuals shall have amassed fortunes as large as they may desire. When those political objects are accomplished, and those fortunes made—when ambition is gratified, and avarice satiated until it cries enough—perhaps when all this is done, but no sooner, the public funds will be once more placed under the protection of the law. But those are idle dreamers who believe that we shall be allowed to effect any thing this year—the party will not permit it, and it cannot be done.

Mr. WEBSTER said that he hoped the gentleman from Ohio was mistaken; that the matter of regulating the deposite banks would not be postponed or neglected. He hoped all information, necessary for the deliberation of Congress, would be obtained, without unnecessary delay; and that this great question, respecting the state of the public moneys in the deposite banks, might be considered and acted on. It seems to me (said Mr W.) that the delay, in bringing on this discussion and in adopting the appropriate legal measures, is most exceedingly to be regretted. Gentlemen do not appear to me to be at all sensible of the great public injury which arises from the unsettled and uncertain state of this question. It is impossible that commercial affairs can return to their accustomed course, until Congress shall have acted upon the subject, or shall adjourn, and thereby have shown that it will not act at all. I think every day of the session is, in this respect and this aspect, a positive injury to the commercial community; and yet we are past the middle of the sixth month of the session, and no real progress has been made with this great and important subject. I think it indispensable that the public mind should be quieted; that men of business should know what they have to expect; and that the deposite banks themselves may be able so to conduct their business as may be most useful to the public. Even with the best dispositions, and the wisest administration, these banks cannot act in the manner most useful to the public, while the present condition of doubt and embarrassment remains.

If the land bill is not to pass, and if no distribution is to be made of the surplus revenue, then at least there ought to be just regulations adopted for the government of the deposite banks; such regulations as may give security to the public, and shall also enable the banks to meet, to a just extent, the commercial wants and exigencies of the people. If we are to depend on these banks for the custody of the public moneys, for the means of exchange, and for the accommodation of the public, then their duties ought to be described and defined; they ought to know what they may rely on, and to have no just ground for arousing public complaint, by referring to the unsettled and uncertain policy of Congress. Every man

must see that, with this great amount of money in the Treasury, the banks in which it is deposited, and which will be expected to use it for purposes of discount, have very high and important duties to perform towards the community, as well as towards the Government. They have now some reason to say that the uncertainty as to what may be done by Congress hampers their discretion, controls their judgment, and deprives them of the faculty of beneficial action. I repeat, sir, that all unnecessary delay ought to be avoided. We are on the verge of summer. We have nearly reached the day on which the Senate thought Congress might adjourn. The session cannot be much farther prolonged, without great inconvenience; and next to measures intended to defend the frontier against invasion, there is nothing more important or more urgent than this subject. I entreat gentlemen to act upon it at once, and to act decisively.

Mr. HUBBARD remarked that he could not perceive the propriety of the course which had been pursued by the Senator from Ohio. He could not tell why that Senator had thought it necessary, upon the offer of the present resolution before the Senate, to go into a full consideration of the reports which had been communicated by the Secretary of the Treasury in answer to a resolution which had been previously presented to the Senate by the Senator himself. It seemed to him altogether more appropriate that the character of those reports should have been discussed when they were first transmitted to the Senate. But the Senator had seen fit to take a different course—one more consonant, undoubtedly, to his own feelings, and more in accordance with his sense of propriety, although, from the beginning, he could not well understand the object of the Senator from Ohio in moving these resolutions. He could not see how, or in what way, the answers could, by any possibility, aid the Senate in its legislative action. He could not well perceive in what manner those resolutions were to accomplish any valuable object. But he did not oppose the adoption of the first, nor did he intend to throw any thing in the way of the adoption of the present resolution. He did on a former occasion suppose, and he could not now but believe, that the Senator from Ohio felt himself called upon, in the faithful discharge of his duty here, to elicit the information sought for by his resolutions; he would not, however, on this particular occasion, follow the example of the Senator. He could not feel himself at liberty, upon the question now before the Senate, to discuss the merits or the demerits of the reports of the Secretary of the Treasury, made days ago, in answer to a resolution previously offered and previously adopted. He would not obtrude his own opinion of these reports upon the Senate. He should pass no judgment upon these communications of the Secretary of the Treasury. He would, for himself, merely say that he entirely differed in opinion with the Senator from Ohio. He considered the document in question a full and satisfactory answer to the inquiries contained in the first resolution. He could not but regard those communications as among the able arguments of that officer, clearly and conclusively showing the reasons which have induced the action of the Department in relation to its management of the public moneys. He was willing, therefore, to leave this whole matter to the people themselves. They were entirely competent to form a correct judgment—they would do so. They would take the resolution of the Senator from Ohio; they would take the answer of the Secretary of the Treasury to that resolution; and they would determine for themselves, and in that determination he thought the Secretary might safely rely. He greatly misconceived if the Senator found himself sustained by popular sentiment in the judgment which he, in the course of his remarks, had seen fit to declare with reference to these reports. Let that matter pass. He had risen not to discuss these reports, but to reply to some general suggestions of the Senator from Ohio. That gentleman had said that, by his first resolution, he sought for the same information which is called for by the present resolution; that he expected to obtain the information now required from the Secretary of the Treasury, under his first resolution; and of consequence the Senator from Ohio, he presumed, is prepared to charge upon the Secretary of the Treasury an omission of duty in this particular. Now, there is nothing clearer, more evident, than that the first resolution offered by that Senator was materially different in its terms from the resolution which is now before the Senate; and the Secretary of the Treasury could not, under that resolution, without having committed the greatest violence upon language, have given to it a different consideration—a different construction from what he did give.

It would have been passing strange if the Secretary of the Treasury had, under the first resolution, communicated the facts—the information required by the resolution now before the Senate. If the Secretary had done this, he would agree with the gentleman from Ohio, that his report would have been an argument without authority--an answer to an inquiry never made. In such a case the Secretary would have been clearly obnoxious to the charge of making an officious, uncalled-for communication. But he hazarded nothing in saying that the Secretary of the Treasury, in communicating to the Senate his answer to the first resolution, had done all he was authorized to do, and had done nothing more than he was authorized to do. What was required by the first resolution, and what were its provisions? And what is required, and what are the provisions of the present resolution? He would subjoin a literal copy of each resolution; and a bare reading of them would show that no two papers were more essentially variant in their terms and requirements. There can be no mistake, no misapprehension about this matter:

"*Resolved*, That the Secretary of the Treasury be directed to inform the Senate what amount of moneys of the United States, received for public lands in the States of Ohio, Indiana, Illinois, and Missouri, and the Michigan Territory, has been, in pursuance of his instructions, transferred to banks in the eastern cities since the 30th June, 1835; and that he designate the banks from and to which such transfers have been made; that he also inform the Senate whether any such transfers are now ordered, and whether any of the deposite banks in the above-named States or Territory have authority to direct what money shall be received for public lands in the districts for which they are the depositories."

This was the first resolution; the following is an exact copy of the present resolution:

"*Resolved*, That the Secretary of the Treasury be directed to inform the Senate what amount of transfers of the public money has been, by his direction, since the 30th of June last, transferred from the Commercial Bank, and also from the Franklin Bank of Cincinnati, and also from the Clinton Bank of Columbus, to banks east of the Alleghany mountains; giving the date and amount of all such transfers, and the banks from and to which they were made. And, also, that he inform the Senate what transfers are ordered from each of the above-named banks, and when and to what banks they are to be made. That he also inform the Senate what amount of transfers was made to each one of the said banks in Ohio since the 30th of June last, and what amount, if any, is now ordered to each."

The first resolution asked what amount of moneys received for public lands in the States of Ohio, Indiana, Il-

linois, and Missouri, and the Michigan Territory, has been transferred to banks in the eastern cities since 30th June, 1835, and the answer was promptly and truly given. The report stated what "amount of money" had been transferred from Ohio," &c. This was the inquiry, and this inquiry was answered. But the present resolution asks what amount has been transferred from particular banks each in Ohio, including all the deposite banks in Ohio, and in Ohio alone. Would it have been possible for the Secretary of the Treasury to have inferred that this was the purpose of the Senator from Ohio, under his first resolution? When he asked what amount of money had been transferred from the "States of Ohio, Indiana, Illinois, and Missouri, and from the Michigan Territory," that all the Senator intended was, to be informed of the amounts which had been transferred from "particular banks in Ohio," this could not have been presumed. The Senator was probably dissatisfied by the answer given to his first resolution; but it was given—truly and promptly given; and he would assure the Senator that he would as truly and as promptly receive an answer to the present, as he did to his first resolution. Again: the first resolution did not ask the amount or date of each transfer, but only the whole amount since 30th June, 1835, and the names of the banks to and from which made. The answer was given. But how is this resolution? It asks for the date and amount of each transfer, and the banks from and to which it was made. The known industry of the head of the Treasury Department will, without delay, furnish an answer to this inquiry. No information, he was sure, would be withheld by that officer from the Senate, or from the gentleman from Ohio, which they or he might think proper to ask for; but certainly the Secretary had a right to expect that the wished-for information should be asked in language which reason and intelligence might comprehend.

Again. The first resolution asked whether any more transfers were ordered, and only that; and in reply it was stated there were, and the reply covered the whole inquiry. But this resolution asks the amount of each transfer ordered, and when to take effect, and the banks to and from which they are made. He would assure the Senator that an answer to this last inquiry would be at once given.

Again. The first resolution asked nothing about the transfers to Ohio or its banks; and hence they were stated only in the gross, in illustration of the transfers therein. But the present resolution asks for the amount of transfers to each of the said banks in Ohio during said time. In truth, it would be difficult to conceive of two resolutions having more clearly distinct and different objects in view, and more plainly and intelligibly expressing those objects. If, then, the Senator from Ohio was disappointed in the answer to his first resolution, if he was disturbed by that answer, he must find the cause of that disappointment at his own door. He has no right to impute it to any misunderstanding, to any misconception, to any omission of duty, on the part of the Secretary of the Treasury.

From the course of the Senator's remarks, one would infer that great wrong had been practised upon Ohio; that great injustice had been done to her interests by the course pursued by the Secretary of the Treasury in relation to the transfers of the public money from Ohio to other parts of the Union. But this will not turn out to be the case. It will be seen that, at the last bank returns from that State, there were millions more of the public money then in deposite within that State than there was on the 30th June, 1835. Does this look like oppression—like partiality? It will be found that much more was in deposite at the last returns than can be wanted for public expenditure within that State during the whole course of the current year; that there was much more at the last returns in that State than there was in all the New England States, with the exception of Massachusetts. Does all this savor of oppression? Does this look like a settled determination on the part of the Secretary to pursue a severe course with reference to Ohio?—a course calculated to bring embarrassment upon her interests, and ruin upon her citizens? Let it be remembered that no blame can be imputed to the Secretary of the Treasury in relation to the kind of money receivable for the sale of the public lands. He has no power over that matter; and, if he had, he would be the last man in the community to exercise it improperly. The legislation of Congress has settled that question; they have declared what money shall be receivable for the sales of the public lands. That cannot, therefore, be a regulation of the Treasury Department The deposite banks will receive whatever money the laws of Congress require; if they go beyond this, it is matter of regulation between themselves and the banking institutions of the country, with which the Treasury Department has nothing to do, and should have nothing to do.

The revenue of the country is collected principally from imposts and from the sale of the public lands. The revenue is collected for the use and the purposes of the Government. It would be preposterous to suppose that it must remain for public expenditure at the various points where it may be received. This cannot be done. And wherever the public necessity or the public convenience requires public expenditure, there must the public money be concentrated. And the Secretary of the Treasury would be a most unfaithful public officer if he should omit to be seasonably and sufficiently prepared at all points to meet the public wants. This he has, thus far, done; and this he has, thus far, well done: and this seemed to him to be the head and front of his offence.

From what has been already said, it is not at all difficult to show why transfers have been from time to time made of the public money from one point to another point of the confederacy. Much more of the public money is collected at certain points than is necessarily wanted at those points for public use. This is the case with respect to Ohio. From the sales of the public lands, more money, within the last few years, has been received in that State, than was necessarily required there for public expenditure. What was to be done? Most clearly it became the bounden duty of the Secretary of the Treasury to cause portions of the public treasure to be transferred to those points where it would be wanted. But two considerations alone, he presumed, had ever controlled the Secretary in such proceedings. Wherever the public convenience would be subserved, wherever the better security of the public money would be promoted, there the Secretary has caused the transfers to be made. But on no one occasion has that officer, in the performance of this high and responsible duty, been governed by any personal or political considerations. This he believed to be the true state of the case; and until an instance can be shown where the Secretary has been under the influence of selfish views, he will presume that he has been solely governed by pure and proper considerations.

The Senator from Ohio has been pleased to say, in the course of his remarks, "that there never has been a subject more shamefully mismanaged than the public moneys have, since they have been under the direction of the Secretary of the Treasury." This may be so; but he should require some better evidence of the fact than the declaration of that Senator. For one, he did not hesitate to declare, as his deliberate opinion, in the most unqualified terms, that the public moneys had been managed, by the present head of the department, with safety and with economy.

He must differ in opinion, therefore, with the Senator from Ohio in this particular. For himself, he most conscientiously believed, instead of there having been any mismanagement of the public moneys under the charge and supervision of the present head of the Treasury Department, they had been on all occasions, and at all times, managed with a strict regard to the existing laws of Congress, as far as those laws could have any possible bearing upon the subject; and when left to the discretion of the Secretary, the public money had been managed with a steady adherence to public convenience, and to the security of the public treasure. This had been the policy and the manifest course of the Secretary of the Treasury; and although such broad and general denunciations of that officer have of late become frequent on this floor, yet he thought it would be very difficult for the Senator from Ohio, or for any other gentleman, here or elsewhere, to put his finger upon one single official act of the Secretary of the Treasury, in relation to his management of the public money, showing any dereliction of public duty, or evincing either malfeasance or misfeasance in office. Where is the evidence of his mismanagement? It exists only in imagination; it has no foundation in fact. Have not all the public moneys been safely preserved? Have they not been transmitted from one point of the Union to another, as the public convenience demanded, and without any charge to the public? Has not the rate of exchange between the most remote commercial cities of the Union been as low as it ever was in the best days of the Bank of the United States? All this is true; and, notwithstanding the speculations which we have so frequently heard upon this floor, there is no good reason to doubt of the entire and perfect safety of the public money now in deposite. He should want no easier task than to demonstrate this fact, upon the showing of the banks themselves, upon the ordinary principles of business transactions. Yet the Secretary of the Treasury is anxious, and most anxious, to get rid of this charge. He is particularly solicitous—a solicitude which he has expressed time and again to his friends in this and in the other House—to have this whole subject regulated by an act of Congress; and that his duty, should any duty devolve upon him under the act, may be exclusively of a ministerial character. He could not well see how the Secretary could desire any thing different. He has no sinister views to accomplish. He has no speculation or purposes to aid, through the power and influence of the public treasure. He must therefore on this point be permitted to differ with the gentleman from Ohio. There was not a particle of doubt that the Secretary was honestly and most sincerely desirous to be relieved from this responsibility. But so long as the responsibility shall rest upon him—so long as the duty of taking the care and charge of the public money shall devolve upon him, he will not shrink from that responsibility, or fail to perform that duty.

Mr. H. (in reply to some remarks of Mr. WEBSTER) said he presumed that he was not understood, when up before, to have said he should make any opposition to any legislative measure having for its object the proper regulation of the public money now in the deposite banks. He was as decidedly in favor of such a measure as any Senator on this floor; and, with the Senator from Massachusetts, he hoped that the subject would "not be postponed or neglected," but that it would be, "without unnecessary delay, considered and acted on" by Congress. He believed that the best interests of the banks which had the public money in deposite called for such a measure. He could not doubt that the interests of the commercial community most pressingly, most imperiously, demanded the prompt action of Congress upon this subject. He believed that a proper regulation of this whole matter would add to the security of the public treasure, by inspiring public confidence in those institutions which should have the public money in charge. He was prepared to go with the Senator from Massachusetts for the adoption of just regulations for the government of the deposite banks. The sooner this was accomplished, the better it would be for those institutions; the better it would be for the commercial community. The sooner this was accomplished, the sooner would the head of the Treasury Department be relieved from the reiterated, but groundless—he would not say malicious—attacks which are daily poured forth against him in relation to this subject. There was every consideration which should induce the earliest possible attention of Congress to this matter.

The present state of the money market in the principal cities in the eastern States demands this measure at our hands. No man could be blind to the causes which produced the present pressure in our commercial cities. The most astonishing fact is, that, amidst all the calamity, all the pressure which has pervaded some sections, the mercantile community have been able to stand erect—to maintain their high credit against all the disasters and discouragements which have arisen within the last few months. They have done so; and this circumstance alone cannot fail to inspire a high confidence in the integrity, resources, and character of our commercial community. There is no scarcity of money; there is an abundance of means. There never has been a time when the farmer, the mechanic, the manufacturer, were commanding higher and better prices for the productions of their labor. The present pressure proceeds from the great uncertainty and doubt which hangs over the action of Congress upon the subject of the public money. And the great amount of the public money in the charge of particular banks throughout the whole country increases, under existing circumstances, rather than diminishes, that pressure. Our superabundance will continue to be an evil, rather than a blessing, so long as the deposite banks and the public money shall not be subject to "just regulations."

Let Congress, then, act upon this subject; let proper and just regulations be adopted; let the deposite banks be fairly protected; let them at least understand on what they may rely; let them be told that a reasonable opportunity shall be given to them to pay over to the Government the public money whenever it shall exceed a given amount; let them well understand the policy of the Government, and all will be well. The commercial community will no longer experience the effects of the money pressure; business will resume its accustomed channels; activity and enterprise again will characterize the operations of the merchant and the manufacturer; success and prosperity will, as usual, flow from their efforts and from their energies.

Mr. WRIGHT said he did not rise to detain the Senate, or to offer any opposition to the resolution of the honorable Senator, [Mr. EWING.] It was not his habit to oppose calls for information of any character, although he must say, if he were to be asked what public purpose was to be answered—what measure of legislation was to be affected by this, and the former call of the Senator connected with this, he should be unable to answer the inquiry. The calls seemed to him to be purely local, and, to some extent, personal; to have in view no public object, but the personal information and gratification of the mover of the resolutions. Thus viewed, he thought the Senator's remarks showed that he had been very unfortunate. He had made repeated calls upon the same Department, during the present session, and his complaint had almost uniformly been, not that he did not receive answers, not that the answers were not promptly and fully returned, but that he obtained more

information than he desired; that the Secretary gave not only the particular facts called for, but other and more facts connected with the subject of the calls; and that, unasked, he had sometimes given reasons as well as facts. So, in the present case, the Secretary is charged with having made a long and full answer, where he should have made a short one; and being required to state his official acts in relation to a given matter, he has not only stated the acts, but the grounds upon which, and the reasons why, those acts were performed. For this he is censured, and another call is framed, with an effort to exclude a part of the facts, and all the reasons contained in his former answer. The resolution, however, upon the suggestion of the honorable Senator from New Hampshire, [Mr. HUBBARD,] has been so modified, by the consent of the mover, as to be unexceptionable in form, by embracing all, and not a selected number only, of the deposite banks in the State of Ohio; and in that shape he was willing that it should go to the Secretary. He could promise the Senator, with entire confidence, that he would continue to receive facts and reasons in answer to his calls, which he would find it far more difficult to contradict or subvert, than it would be for him to surmise that other facts were behind which might be of more use to him.

The honorable Senator, as was somewhat the case with several members of this body at the present time, seemed to have his jealousies greatly aroused against the city of New York, and had apparently convinced himself that great favoritism was extended towards that city in the management, and especially in the transfers, of the public money. If the fact were so, Mr. W. said he hoped the Senator would discover and expose it. He should have all his aid in any proper efforts to learn the truth, and, should partiality or favoritism be discovered, he would go as far as the Senator himself to condemn and to prevent it; but so fully conscious was he that these abuses had no existence, except in the imaginations of prejudiced minds, that he must warn the Senator to prepare himself for continued and increased disappointments in the prosecution of his enterprise. The facts and reasons returned by the Secretary, in reference to transfers of money to the city of New York, would be, as they had been in so many former answers to calls made by that Senator, [Mr. EWING,] too full, too plain, too clear, and would too strongly sustain the acts of the Treasury Department, to meet with his approbation.

Mr. W. said he had listened to the Senator with attention, and in his protracted speech he had been able to discover but one ground of difficulty or complaint; and that one, from his own showing, most palpably rested with himself, and not with the Secretary. The Secretary, in speaking of the transfers as relating to the State of Ohio, had given the amounts transferred from that State, and the amounts transferred to it; and, by deducting the latter from the former, had found that the balance was some forty-five thousand dollars; thus showing that the amount of moneys in deposite to the credit of the Treasury transferred from the State of Ohio, within the period covered by the call of the Senator, was larger than the amount of moneys transferred to that State within the same period by forty-five thousand dollars only. This balance the Senator had used as the whole amount of transfers from the State of Ohio, and his complaint seemed to be that his error had been corrected in the public papers. Surely this furnishes no foundation on his part for complaint against the Secretary, or for a charge of ambiguity in his answer to the Senator's former call. The very portion of the report which he read to the Senate, in the course of his argument, states this forty-five thousand dollars as a balance ascertained by the deduction of the amount of transfers from the State, and not as the amount of transfers either to or from it. The error, therefore, is an error of the Senator, and not of the Secretary; and the Secretary, and not the Senator, is the party which has cause of complaint.

The Senator (Mr. W. said) had sought this occasion to refer to some proposition which he had had the honor to offer as amendments to the bill to regulate the public deposites. The proposition related to the disposition of any surplus moneys which might, at any time, be found in the deposite banks, and proposed to invest such moneys temporarily, and until the wants of the Government should call for them, in stocks issued upon the faith and credit of the States. Such a disposition of these moneys the Senator had chosen to characterize by the appellation of "stock-jobbing, going among the bulls and bears of the stock-market, to regulate, raise, depress, and govern the price of stocks." Mr. W. said he merely referred to this portion of the Senator's remarks to say that he should not, in this incidental way, debate the deposite bill. He preferred to debate the question before the Senate, and not, upon any proposition which might be before it, to debate every proposition which might thereafter come before it. He was most happy to hear the declaration of the Senator that he would vote for his propositions, if he could get no better, although he considered them most objectionable; and, in reply to this generous advance on the part of the honorable gentleman, he would tell him that, at a proper time, and when those propositions should come up for consideration, he would discuss them with him with perfect fairness; and, should better be offered by that honorable Senator, or any other member of that body, they should receive his most cheerful support. He had no pride of authorship in the propositions he had offered. They were not his, but the propositions of the Secretary of the Treasury, recommended to Congress in his annual report. He had made himself the organ of their formal presentation to the Senate, because he had found none which seemed to him as acceptable. He was as anxious as any other member of the Senate that something should be done as to the regulation of the deposites of the public moneys in the banks, and as to the disposition of any surplus which might be found to exist.

In justice to himself, it was proper that he should here call to the recollection of the Senate the state of facts in relation to this bill. Upon some of the first days of our present session, a distinguished Senator from South Carolina [Mr. CALHOUN] had introduced a bill to regulate the public deposites. Mr. W. said he turned his attention to the bill, and prepared such amendments as he proposed to offer to it; and, having done so, waited for the time when the mover of the bill should call it up. A delay of some six weeks or two months took place, and the bill was not called. At the expiration of that time the honorable Senator announced to the Senate that he should not call up the bill at all, but should abandon it to the care of the friends of the administration. He (Mr. W.) then, at the earliest convenient period, called up the bill, and offered his amendments, which were ordered to be printed. Since that time the mover of the bill, and others of the opposition members, had expressed renewed anxiety that it should be called up and acted upon. In the mean time, other public bills of the first importance had obtained a preference; and as he thought much time was lost in changing our debates from subject to subject, without completing any thing, he could not consent to attempt to interpose the deposite bill at this time; but as soon as the fortification bill, and one or two other bills which had been much considered, and he hoped would be speedily and definitively acted upon, should be disposed of, he would go with gentlemen upon all sides of the House for the earliest final action upon that bill.

Mr. EWING, of Ohio, said he had not mistaken or misunderstood the report of the Secretary. That report states that no more than $45,000 had been transferred from the State of Ohio, over and above what had been transferred to it. The inquiry to which that report was an answer, was, what amount of money received for lands had been transferred? That answer, therefore, very unfairly conveys the idea that no more than this small sum, of all that was so received in Ohio, has been transferred; a statement in direct opposition to that contained in the Globe, which appears to be from the Treasury, or authorized by it.

Without further debate, the resolution was then agreed to.

FORTIFICATION BILL.

The Senate then proceeded to the consideration of the bill making appropriations for the purchase of sites, the collection of materials, and for the construction of fortifications; when

Mr. WRIGHT said, when the subject was last before the Senate he had moved an adjournment, with the intention more particularly of making a reply to some of the remarks of the Senator from South Carolina [Mr. CALHOUN] who had then just addressed the body against the bill. So much time, however, had elapsed, that the reply intended had been principally abandoned; and as he did not see that Senator in his seat, and understood he was absent upon official duty, he should only notice such of his observations as were material to the views he proposed to present upon the merits of the bill.

On the 18th day of February last, the Senate came to a final vote upon a resolution offered, at an early day of the session, by the honorable Senator from Missouri, [Mr. BENTON,] upon the subject of appropriations for the public defence. All would recollect the declaration of the mover of the resolution, made at the time of its introduction, that he considered it as antagonist to the two propositions then before the Senate for the distribution among the States of the public moneys in the Treasury; the first, the land bill; and the second, the proposition of the Senator from South Carolina [Mr. CALHOUN] so to amend the constitution of the United States as to authorize an entire distribution, for a series of years, of the surplus revenues, from whatever source derived. None could have forgotten the protracted debate upon that resolution, or the views entertained and expressed by those who took part in the debate. Upon the one side, the declarations of the honorable mover were sustained and enforced; and upon the other side, the policy of a system of fortifications was resisted by some, while others admitted and advocated the policy and expediency of such a system, but denied that the land bill was antagonist to the proposed appropriations. The subject occupied the principal attention of the Senate for some four weeks, and a very slight modification only was adopted.

The palpable and declared object of the resolution was to present to the Senate the great and vital question, whether the surplus revenues in the national Treasury should be given away, as gratuities to the States, before the public defences were provided for, or whether those defences should first command the attention and favor of the national Legislature. The resolution, as drawn and offered, related to the surplus, and necessarily presented this question. The modification merely removed the application of the resolution from the surplus revenue to the whole revenues of the Government, and made the pledge more broad than the mover of the original resolution had proposed. In its amended shape, it stood in the following words:

Resolved, That so much of the revenue of the United States, and the dividends of stock receivable from the Bank of the United States, as may be necessary for the purpose, ought to be set apart and applied to the general defence and permanent security of the country."

In this shape it was voted upon by the Senate; and upon a call of the yeas and nays, every Senator then in his seat, to the number of forty-two, out of the forty-eight members of the body, recorded his name in favor of it.

Mr. W. said he thought he had a right to ask whether this vote ought not to have been considered a pledge to the country, on the part of the Senate, that all necessary appropriations for the public defence should be first made out of the public moneys in the Treasury, before any other disposition should be attempted to be made of those moneys? He thought the inquiry could not be considered impertinent, or improper; and he called the attention of those Senators who had voted for that resolution to its fair implication, and to the measure now under discussion. This was the first measure for general public defence, which had been presented for the action of the body, since the passage of the resolution. Were the defences it proposed necessary, so as to bring it within the pledge contained in the resolution?

To answer this inquiry, it would be proper to look further into the resolution itself, and into the information it had elicited. In addition to the general pledge before quoted, it contained a call upon the President, and, through him, upon the proper Departments of the Government, as to the appropriations necessary and proper to be made for the various branches of the public defence, naval and military. An answer to that call, most full and satisfactory, had been given, and, for his present purpose, it was only necessary to refer to the clear and strong letter from the Secretary of War, to whose Department that branch of the public defences provided for by this bill particularly pertained. The Secretary speaks with especial reference to the bill under discussion, and therefore his remarks are susceptible of the most clear and unquestionable application. The bill was reported from the Committee on Military Affairs, recommending appropriations for the commencement of new fortifications at nineteen new points upon the sea-coast. The Secretary had adopted twelve, and, for the present, rejected the remaining seven appropriations. He had recommended delay and further examination merely as to the latter class; while he had, in the most clear and unequivocal language, urged action—prompt, full and efficient action—as to the former class.

Mr. W. said, as attempts had been made to cast doubt and obscurity over the opinions of the Secretary in this matter, he should speak for himself. He would read from the 19th and 20th pages of the report, and the language was as follows:

"It cannot be doubted but that fortifications at the following places, enumerated in this bill, will be necessary:

At Penobscot bay, for the protection of Bangor, &c.
At Kennebec river.
At Portland.
At Portsmouth.
At Salem.
At New Bedford.
At New London.
Upon Staten island.
At Soller's flats.
A redoubt on Federal point.
For the Barancas.
For Fort St. Philip.

"These proposed works all command the approach to places sufficiently important to justify their construction under any circumstances that will probably exist. I think, therefore, that the public interest would be promoted by the passage of the necessary appropriations for them. As soon as these are made, such of the positions as may appear to require it can be examined, and the

form and extent of the works adapted to the existing circumstances, if any change be desirable. The construction of those not needing examination can commence immediately, and that of the others as soon as the plans are determined upon. By this proceeding, therefore, a season may be saved in the operations."

Such, Mr. President, (said Mr. W.,) are the expressions and the opinions of the head of the Department, upon which the call has been made, on this important subject of fortifications. Are those expressions and opinions equivocal? Has not the Secretary told us that he believed "the public interests would be promoted by the passage of the necessary appropriations for them?" Has he not told us, that by making these appropriations now, "a season may be saved in the operations?" Where, then, is the doubt? Where the equivocation? The bill originally contained provisions for nineteen new works. The Secretary selects and recommends, unequivocally, appropriations for twelve of the nineteen, and as unequivocally recommends a postponement of appropriations and further surveys and examinations as to the remaining seven. He meets fairly and fully the whole bill, and gives his opinions and his reasons as to every part of it. Whence, then, the pretence that his recommendations are obscure, and his opinions doubtful, as to the works still embraced in the bill? The Committee on Military Affairs, since the receipt of the report of the Secretary, have considered his views, and made their bill conform to them. They have recommended that the appropriations for the seven works, for which the Secretary does not recommend immediate appropriations, should be stricken from the bill; and the Senate has unanimously agreed to the amendments. They have been made, and the bill is now precisely what the Secretary tells us the public interests require that it should be. Whence, then, (Mr. W. said,) he again asked, these attempts to prove that the opinion of the Secretary was doubtful as to the remaining twelve proposed new fortifications? The answer was clear and conclusive, and he should only repeat what had been already said by the honorable Senator from South Carolina [Mr. PRESTON] when he gave it. Gentlemen had taken the expressions of the Secretary applicable to the seven works for which he recommended the suspension of immediate appropriations, and had applied them to the twelve works in reference to which he had given the opinion "that the public interests would be promoted by the passage of the necessary appropriations for them." Any one, who would read with care the report of the Secretary, would detect this error, and absolve that officer from all obscurity or equivocation.

It should be further remembered that the President, upon whom the call was made, has especially and fully endorsed the recommendation of the Secretary of War. So far, therefore, as the information and opinions of the executive departments can establish a necessity for the works for which the bill under consideration provides, we are able to pronounce, without doubt or hesitation, that they are necessary to the public defence.

What, then, (Mr. W. said) he must ask, is the condition of the Senate in its action upon this bill, after the pledge given to the country in the resolution above quoted? Were we at liberty to refuse the appropriations, unless we disputed the necessity of the works? It seemed to him not. It seemed to him we were estopped by our own acts, unless we were prepared to assert and show, in opposition to the report of the Secretary, and the concurring opinion of the President, that the works proposed to be constructed are not necessary to the national defence, within the fair scope and meaning of our own resolution.

He must then appeal to the Senate, and to every individual Senator, to know whether there is one member of that body who will deny, or even question, the necessity of one of the works now proposed by the bill. He did not believe he should hear a voice raised in doubt, much less in denial, of the necessity of each and every one of these works. How, then, was the Senate to refuse the appropriations, and preserve the pledge it had given to the country, that the public defences were first to occupy its attention, and that provision for these defences, so far as such provision might be necessary, was first to be made from the public moneys in the Treasury, and the public revenues to be received into that Treasury.

Objections to the bill, however, had been made, and Mr. W. said he would detain the Senate for a few moments, to examine some of those objections.

The first in order which he would notice was, that new discoveries in the art and science of defence might supersede the present propositions; that the power of steam, and its application to the defences of a nation, were yet little known, and had been little tried; and that future experience might prove that this power would furnish a preferable substitute for the permanent defences proposed by the bill. In answer to this objection, he would merely ask, in sincerity and candor, whether a single member of the Senate had brought his mind to the belief that our important commercial towns, our principal and most useful harbors, and the mouths of our great navigable rivers, which were susceptible of perfect defence by permanent, stationary, and durable fortifications, were to be left to any description of movable and floating defences, whether moved and governed by steam, or by the natural elements? Did any man, who had in the slightest degree examined this subject, delude himself with the notion that a commercial nation, with a coast more extended and exposed than any other nation of the world, and with the means in its Treasury for the construction of permanent and secure defences, was either to wait for new discoveries as to the power and application of steam, or to trust its wealth and commerce to the protection of floating batteries, instead of well-constructed and immovable fortifications? For himself, (Mr. W. said,) his enthusiasm as to modern improvements had carried his mind to no such conclusions. He had not doubted, and did not now doubt, that steam, as connected with harbor defence, was to be made a most important agent in the great work in which we were engaged, and he was prepared to go as far as experience and wisdom would warrant in providing for its use; but he would not, for one moment, admit that the important points upon our coast, susceptible of permanent land defences, were to be left to the uncertain and doubtful protection of moving batteries of any description. He had not heard it advanced that the science of defence by fortifications was very imperfect, or that improvements were to be soon anticipated; and having come to the conclusion that these were the defences which the country required, at the points named in the bill, and that the art of constructing them had been, in all essential particulars, as perfect for centuries as it now is, he was prepared to give his support to the bill, without waiting the uncertainty of valuable improvements by new discoveries.

The next objection he proposed to notice was, that we want information as to some of these proposed works; that the necessary examinations, surveys, and estimates have not been made; and that we act in the dark in making appropriations without them. This objection (Mr. W. said) he was willing to admit was specious and plausible; but as to these particular works, he thought he should be able easily to show that it was much more specious than solid and substantial. He had understood from the remarks made by the chairman of

the Committee on Military Affairs, [Mr. BENTON,] when this bill was first under discussion, that all these points had been selected as points proper for the construction of permanent fortifications by the first board of engineers which ever examined our Atlantic coast with a view to its permanent defence; that several subsequent examinations, by competent and skilful engineers, had been made for the same purpose; and that all had selected these points as capable of being defended by the erection of forts and batteries, and as of sufficient importance, either as commercial towns, or safe and convenient harbors and roadsteads, to render such defences necessary to the protection of our commerce and the security of the country; and that conjectural plans and estimates of the works required had been repeatedly made at all the points. He now received the assent of that honorable Senator to the correctness of his understanding in these particulars, and was therefore not mistaken in assuming this as one ground for the immediate action of the Senate. But there was another and a stronger ground. A call had been made upon the War Department, upon this subject; and the answer, full, complete, and apparently satisfactory to all, was before us. That Department was in possession of all the information which had been collected as to the necessity and propriety of these works. No one would doubt the competency of the head of that Department to form a safe and correct opinion upon the sufficiency of that information for the discreet action of Congress. What, then, does the Secretary say in reference to the fortifications provided for in this bill?

"It cannot be doubted but that fortifications at the following places, enumerated in this bill, will be necessary."

"I think, therefore, that the public interest would be promoted by the passage of the necessary appropriations for them. As soon as these are made, such of the positions as may appear to require it can be examined, and the form and extent of the works adapted to existing circumstances, if any change be desirable. The construction of those not needing examination can commence immediately, and that of the others as soon as the plans are determined upon. By this proceeding, therefore, a season may be saved in the operations."

These are the opinions of the executive officer of the Government especially charged with these works of defence, and fully aware of all the information in the possession of the Government in relation to their necessity and propriety. Does he tell us we want more information before we can act? No, sir. He tells us it cannot be doubted that fortifications at the points mentioned will be necessary. Does he tell us that we want further examinations, surveys, and estimates, before we can hazard an appropriation? No, sir. He tells us that when the appropriations have been made, such of the positions as may appear to require it can be examined, and the form and extent of the works adapted to existing circumstances, "if any change be desirable." Does he tell us that nothing is to be gained by making the appropriations now? No, sir. He tells us that, by this proceeding, a season may be saved in the operations. So much, Mr. President, (said Mr. W.,) for the objection that we have not information to authorize these appropriations.

Another objection is, that we have not engineers to superintend these works; and that, unless the corps of engineers be increased, the appropriations, if made, must remain unexpended. Mr. W. said this was an objection to this class of appropriations which had been frequently advanced upon former occasions, and he had repeatedly attempted to answer it; in which attempt, he was sorry to say, he had been so unsuccessful that the same objection again met him here. He must repeat his former opinion, that the money of the Government would command engineers of science, skill, and experience; and that gentlemen were entirely mistaken in supposing that the corps of engineers, holding military commissions under the United States, monopolized all the science, experience, or skill, to be found in this widely extended country. But, for the sake of this argument, he would admit the necessity of an increase of the corps of engineers; and what would be the effect upon the duties of the Senate in relation to this bill? An act for the increase of that corps, to the extent recommended by the head of the corps, had long since passed this body, and been sent to the House of Representatives. We, therefore, had discharged our duty in this matter, and he was for continuing to discharge that duty in a matter consistent with our own action. It was not for the Senate to wait the passage of one of its bills through the other branch of Congress, before it would act upon another and more important public measure. Let us (said Mr. W.) follow our own action, be consistent with ourselves, carry out our own measures, and leave the House of Representatives to their proper responsibilities. This objection has no foundation with us, because we have already obviated it by our legislative action, and it does not become us to assume that any other branch of the Government will not discharge the same duty.

A further objection to the passage of this bill is, that if the appropriations be made, the money cannot be expended. It is asserted, that the ordinary appropriations for the fortifications already commenced are more money than it is in the power of the officers of the Government to expend, and that hence additional appropriations for new works cannot be expended. Mr. W. said he did not see that the conclusion followed from the premises. If it were true that money could not be expended at one point upon our extended coast, for the want of laborers, he could not see that it necessarily followed that laborers could not be procured at other points. The evidence upon which this objection rests is a report from the head of the engineer department, stating that some eighty or one hundred thousand dollars appropriated for the construction of a fort at Throg's neck, near the harbor of New York, was not expended during the last year, because laborers were not procured; that invitations to laborers were published and circulated in the city of New York, and in several of the eastern cities, without effect. The report, no doubt, states truly the facts, as far as it goes; but there are other facts required to enable us to form a correct judgment as to the inference authorized from this failure to procure laborers. What prices were offered? Were they equal to the current prices of similar labor in the cities where the invitations were circulated? Was the season of the year that, when laborers are usually disengaged and at liberty to make contracts? Were the character and condition of the work such as the mass of laborers were competent to perform, and would be willing to engage in at ordinary wages? These and other inquiries should be answered before we are authorized to conclude that money would not command labor in the immediate vicinity of our great commercial metropolis.

Mr. W. said this objection had been repeatedly urged during the discussions of the present session, and he had himself repeatedly attempted to answer it; he was mortified to see how unfortunately, as the objection continued to be urged with undiminished earnestness and confidence. He must, therefore, again repeat what seemed to him to be a most perfect and complete refutation of the idea that money will not command labor in and about New York, to any extent to which money is offered and paid. All will remember that since we have been here, during our present session, the city of

New York has been visited by a conflagration unequalled in the history of this continent. From five to seven hundred extensive buildings, in the very heart of the city, were laid in ashes in the course of a few hours. He had recently seen several intelligent merchants from that city, some of whom were among the sufferers by the fire. All agreed in assuring him, that by the time he would probably pass the city on his way to his home, after the adjournment of Congress, he would almost want a guide to point out to him where the fire had extended; that new buildings were rising upon the ruins of those destroyed by the fire, with a rapidity wholly incredible; that it almost seemed that an entire city was rising from the earth, as by the power of magic; that the present month would entirely complete a large proportion of the new buildings. This, Mr. President, has been mostly done in the season of winter, and a winter, too, unequalled in severity and duration. And can it be true that at that point the United States cannot command labor by money? Can private enterprise accomplish so much in a few months, and yet the Government not be able to spend a few thousand dollars upon works of defence, because labor cannot be procured for money? Sir, the conclusion is contradicted by facts, is contradicted by experience, is contradicted by the plainest dictates of sense and reason. The Government must not expect to obtain labor, but by paying the current prices for the labor it requires; and at those prices its money will go as far, be as sure to command labor, and to obtain it, as will the money of private citizens.

But, Mr. President, (said Mr. W.,) there is another view of this subject. What is the course of these expenditures? For what are expenses first to be incurred? The points at which the fortifications are to be erected are fixed in the bill; but you have acquired no title to the necessary grounds, and no jurisdiction from the States over those sites, when you have purchased them. Both of these steps must be taken, before common prudence will warrant the commencement of the proposed erections. In all cases the purchase of the grounds must require an expenditure of money, and the grant of the necessary jurisdiction must require time for the action of the respective State Legislatures. It will not be supposed that the application will be made for the grant of jurisdiction, until Congress place at the disposition of the proper executive department the means to make the purchase of a site, in case the jurisdiction be obtained. Mr. W. said, to illustrate his meaning, he would speak of the proposed appropriation for his own State; because he was more fully acquainted with the facts in that case than any other embraced in the bill. He referred to the appropriation of two hundred thousand dollars for the purchase of the site of Fort Tompkins and its dependencies, and for the erection thereon of fortifications to protect and defend the main entrance into the harbor of New York. This site is so plainly designated by the nature of the ground, and the formation of the harbor, that no person who ever passed the point can have failed to see and mark it. Indeed, the State, during the late war with Great Britain, and when the national Treasury was destitute of means to prosecute the war, and much more to defend our coast, took this matter into its own hands, possessed itself of this site, and erected upon it three works of defence: Fort Tompkins upon the heights, to defend the other works from approach by land; Fort Richmond upon the water, to defend the Narrows; and Fort Hudson, an extensive water-battery, to act in aid of Fort Richmond, and to reach an enemy in his approach to the Narrows from the outer harbor. These works still belonged to the State, but had not been kept in repair since the war. The consequence was, that they had gone into a state of dilapidation, and he was unable to say what their value might now be to the Government. He had understood that they cost the State some four hundred thousand dollars. He knew that repeated overtures had been made by the State to this Government to purchase them, with the site, and that the Legislature had repeatedly authorized negotiations for their sale and transfer to the United States. Nothing had hitherto been effected, and he had recently been informed that the Legislature of the State, now in session, had again authorized the sale and transfer. In this case, this must be the first step, and the payment for the site the first item of expenditure. So far, therefore, as that may go, no objection would be interposed that the money, if appropriated, could not be expended; nor would it be said that time was required, or information wanted, to accomplish these objects. He did not suppose that any other point was precisely similarly circumstanced; but he did suppose that in all cases, whether the sites were the property of the States, or of individuals, a title was to be secured to the United States, and paid for out of the respective appropriations; and that the proper jurisdiction, to protect the interests of the Government, was to be obtained from the respective State Legislatures in the mode pointed out by the constitution. Means, therefore, would be required, as well as time, in all cases; and so far as both were concerned, the application to the case of Staten Island would be measurably applicable to all the other cases embraced in the bill.

What were the next subjects of expenditure? Mr. W. said it seemed to him that the materials for the construction of a fortification would next require the expenditure of money. The stone, brick, lime, sand, timber, iron, and all other materials, must be purchased and brought to the spot. Was there any objection to making the contracts and procuring the delivery of these materials during the time required to negotiate for the site, and procure the grant of jurisdiction? He could see none. Would not these preparatory steps occupy time enough to allow all further necessary surveys and examinations to be made? He was sure no one could doubt the fact. What, then, was the strength of the objection that the money could not be expended, or that more time was required for surveys and examinations?

But (Mr. W. said) there was another view of this objection of time, which seemed to him as absurd in practice, as it must be fatal in principle, to these works of public defence. He referred to that class of the opponents of this bill, who urged the necessity of delay in making these appropriations, and at the same time pressed upon us measures for the gratuitous distribution among the States of the very moneys in the Treasury with which these fortifications were to be constructed. The land bill, which had passed this body but a few days since, was one of these measures, and some gentlemen had been frank enough to put their opposition to this bill upon the ground that it might interfere with the moneys proposed to be distributed under the provisions of that act. Others, and much the largest number of the friends of that measure, had placed their opposition to this bill upon the ground of want of information of surveys, examinations, and estimates; and yet they had not failed to urge, with all the ardor of the former class, the giving away to the States the very means by which alone these most important and confessedly necessary modes of public defence can be erected, when the information they seem to desire shall have been obtained. What is the value of such professions of friendship for the defences of the country? What will be the use of the information sought, when the means of proceeding with the works shall have been given away? For what valuable purpose shall we learn that the positions named in the bill are well selected, the fortifications wise and necessary, the plans economical, and the appropriations proposed only reasonable for present objects, when

the Treasury shall have been exhausted in bounties to the States, and we have not a dollar at command to be applied to new or additional defences? Mr. W. said he must say that gentlemen who assumed this position subjected themselves most strongly to the suspicion that a division of the public moneys, and not the prosecution of works of defence, was their darling object. To the other class, who openly and frankly opposed the bill upon the ground that it conflicted with the schemes for a distribution of the public moneys, he must award greater fairness. They met what he considered to be the true question, openly and without disguise. He must, however, here bring to the memory of these opponents of the bill now under discussion, some of the arguments used by those who opposed the passage of the land bill through the Senate. It was contended (Mr. W. said) by himself and others, that any system of distribution, such as was proposed by that bill, would tend to impede the necessary public appropriations; to arrest the prosecution of the necessary public defences; and to embarrass the national Government in all its departments, and in every branch of the public service. It was urged that such distribution would necessarily lead the States into measures involving heavy and long-continued expenditures; that the arguments, estimates, and flattering calculations of the friends of that bill, were eminently calculated to produce anticipations of future dividends which could not be realized; that the members of both Houses of Congress were the representatives of the States, and of the people of the States, and must and ought to be strongly influenced by the wishes and interests of those whom they respectively represented; that when disappointment as to the amounts to be divided should come upon the constituent body—as come that disappointment must—the necessities of the States, growing out of these delusive expectations, would be paramount to the necessities of this Government, with the representative bodies; and that appropriations for the permanent defences of the country, appropriations for the navy, appropriations for the army, and appropriations for all other branches of the public service, would be injuriously restricted, or wholly refused, that the sum to be divided to the States, as surplus revenue, might be increased.

Mr. W. said, when he urged these arguments, he did not even dream that he should see their correctness demonstrated before the close of the present session of Congress. He did not then believe that the evil tendencies of these plans for distribution would be so soon and so boldly developed. In this he had been entirely disappointed. Already we had met, in open avowal, the influence he had feared; and, upon this first measure of public defence which had been presented to the Senate since the passage of that dangerous bill, we had heard opposition distinctly avowed upon the ground that the appropriations might conflict with the various plans for a distribution of the moneys in the Treasury. If he had before merely doubted, he should now be most perfectly confirmed in his hostility to these projects, so long as any branch of the public service called for the expenditure of the public moneys on hand.

He would now (Mr. W. said) proceed to examine, very briefly, one or two of the objections offered by the honorable Senator from South Carolina [Mr. CALHOUN] to the passage of the bill under discussion. The first objection of that honorable Senator which he proposed to notice, was, the want of engineers to superintend the expenditures proposed; and he had anticipated the argument to be drawn from the action of the Senate, in the increase of the engineer corps to about twice its present strength, by the assumption that this increase would not bring engineers of experience, and would not therefore, at present, authorize an increase of appropriations.

We are, Mr. President, (said Mr. W.,) if the positions assumed by the opponents of this bill be admitted, in a condition unknown to the history of any people who have ever before existed upon the face of the earth. We have no debt. Our Treasury is full to overflowing. We are defenceless in almost every respect. And yet we cannot be defended, according to the doctrines of some, because our money will not purchase the labor necessary to construct the defences we need. According to others, we cannot be defended, because we have not engineers of skill and experience to direct the expenditure of the money, if we appropriate it. An increase of our engineer corps will not aid us in this particular, because such an increase will not bring with it the requisite skill and experience; and, as a necessary consequence from these conclusions, we must not increase the engineer corps, because, without an increase of appropriations for fortifications, we shall have nothing for the engineers to do, who may be added to the corps. Was ever, Mr. President, so helpless a condition of any people before known? Money in the Treasury to an excess, but nobody will work for it; defences of every description imperatively required, but men of skill and science cannot be found to superintend their construction. Therefore, we must give away the money, and wait for the defences of the nation, until the Treasury shall contain other means, until money will command labor, and until engineers can be educated to superintend the public works.

The honorable Senator put forth another objection to this bill, which was even less anticipated from that quarter than was the objection which has just been examined. It was, that the bill is in competition with the several propositions for the distribution of the surplus revenue. Remembering the constitutional opinions held and expressed by that Senator but two years since, on the subject of a distribution of the surplus revenue among the States, Mr. W. said it was impossible that he could have expected opposition to this bill from that quarter upon that ground. In the Senator's speech upon the removal of the deposites, made in the Senate in January, 1834, are found the following remarks:

"There is another aspect, (said Mr. C.,) in which this subject may be viewed. We all remember how early the question of the surplus revenue began to agitate the country. At a very early period, a Senator from New Jersey [Mr. DICKERSON] presented his scheme for disposing of it, by distributing it among the States. The first message of the President recommended a similar project, which was followed up by a movement on the part of the Legislature of New York, and I believe some of the other States. The public attention was aroused, the scheme scrutinized, its gross unconstitutionality and injustice, and its dangerous tendency of absorbing the power and existence of the States, were clearly perceived and denounced. The denunciation was too deep to be resisted, and the scheme was abandoned."

Such, Mr. W. said, were the opinions of the Senator upon the subject of a distribution of the surplus revenue to the States; and could he have expected from him an objection to the passage of a bill, providing for the defences of the country, for the more rapid prosecution of a system of defences with which he had once been officially and closely connected, because it comes in competition with propositions for a distribution of the surplus moneys, so recently pronounced grossly unconstitutional, unjust, and dangerous to the power and existence of the States?

[Here Mr. PRESTON remarked that his colleague was not in his seat, but detained from it by official duties, and he hoped Mr. W. would consent to suspend his remarks until Mr. C. should be in. Mr. W. replied that he re-

gretted very much the absence of the Senator from South Carolina, as he would greatly have preferred to have replied to him in his presence; but as he had no remarks of a personal character to make, he could not consent to delay the bill by a suspension of his argument.]

Mr. W. proceeded: He had nothing to add on the subject of this great change of opinion on the part of the Senator, except that it had surprised and disappointed him, coming from that quarter.

Another position of the Senator was not less singular and extraordinary, and called for a reply. It was the assertion that the bill was not intended to expedite the construction of fortifications, but to retain the public money in the banks where it was now deposited; and he went so far as to say, that were the objects of the bill what they purported to be—the erection of fortifications—he would support it. Mr. W. said, in the absence of that Senator, he would take no notice of this unjust and ungenerous imputation upon the motives of the friends of this bill, but would examine the position, supposing it had any foundation in fact. The bill upon its face contains as direct and positive appropriations as any other appropriation bill which has been presented to Congress. If passed, it will devolve upon the proper executive department the immediate duty of obtaining the proper sites and commencing the several works, and of proceeding in their construction with all possible despatch, so far as the means appropriated will go. Has any one suggested, or will any one believe, that any sinister intentions, on the part of those who may vote for the bill, will influence the executive officers in the prompt and faithful discharge of their duties under it? Had the Senator from South Carolina suggested, or could he suggest, any change of the form of the bill, so as to make the appropriations more positive and unconditional, or the duty to expend the money more imperative and urgent? He hazarded nothing in giving a negative answer to these inquiries. Language could not improve the bill in these particulars; nor had it been intimated that there was either doubt or condition to be found upon its face. He would, then, leave the Senator, and the Senate, to determine how far he was sustained in placing his opposition to a proper and positive law upon the ground of his suspicion that some who support it entertain intentions unfavorable to its execution.

He must present this objection of the Senator in another light, and see whether it may not be made quite as applicable to himself, as to those who advocate and support the defence bills. His charge is, that they desire to retain the money in the deposite banks. What disposition does he propose to make of it? for he is the author of a variety of propositions upon the subject. The last, and that one upon which he presumed the Senator intended to rely, was, to deposite the money in the treasuries of the several States, without interest. But when, and upon what terms, is the money to be transferred from the deposite banks to the several State treasuries? When, and as soon as, the Legislature of each State shall have passed a law, pledging the faith of the State for the repayment of the money upon the call of Congress. Nearly all those Legislatures have closed their annual sessions, and all probably will, before this proposition can become a law, if it is to become a law at all. Much the larger number of them do not again convene until November, December, and January. The money, therefore, according to the disposition proposed by the Senator himself, must remain in the deposite banks for the whole of the present year, at the least; while, in several of the States, the legislative sessions are biennial only; and, in one State at least, it is said its constitution prohibits the Legislature from contracting a debt for any purpose. Mr. W. said, were he to charge the honorable Senator with a design to continue the money in the deposite banks, and assert that he had made this dilatory proposition for a different disposition, to accomplish that design, would the Senator consider him courteous or just? Would the Senate consider the imputation of such motives to any member of the body parliamentary or proper? It was not his purpose to make any such charge. It was not his habit to impute motives to the members of this body, for acts done under their official responsibility; and he did not believe that such a charge, if made against the honorable Senator, would be founded in fact. He did not believe the Senator, in making the proposition upon which he had commented, had been actuated by any design to retain the money in the deposite banks; but the reverse. Yet he did believe that such a design imputed to that Senator would have precisely as much foundation in justice and truth, as the similar charge preferred by him against the friends of the defence bills; and he trusted he had shown that the effect of the Senator's proposition would be to retain the money in the banks much longer, and much more certainly, than any effect to be apprehended from the passage of these bills.

Mr. W. said his intention and desire was to apply the money in the Treasury to a constitutional use. The money is the avails of "taxes, duties, imposts, and excises," laid and collected by, or under the authority and direction of Congress, "to pay the debts, and provide for the common defence and general welfare of the United States." The first great constitutional use to which the public moneys were to be applied had been fully performed. The debts had been fully paid. The second, to "provide for the common defence," it is the object of this bill to prosecute more vigorously and efficiently. For that reason he supported it, and most earnestly hoped it would be successful. Yet it was not for him to impute improper or unworthy motives to those who thought the constitution and the public interests would be better served by giving away this money to the States, or what was, in his judgment, precisely equivalent, lending it to the States without interest, and upon a declaration upon their respective statute books that they would repay the principal whenever their representatives in the two Houses of Congress should order them to do so. He thought, however, so long as he abstained from the imputation of motives to those who advocated such a disposition of these moneys, he was entitled to an exemption from imputation as to his own motives, in urging a use of the money such as the honor and interests and safety of the country required and demanded; and such as the constitution not only authorized, but directed in terms.

After Mr. WRIGHT had concluded, Mr. RUGGLES rose, and addressed the Chair as follows:

Mr. President: This bill has been slumbering on the table for more than two months, without any disposition being manifested by a majority of the Senate to take it up. The inquiry throughout the country is, where is the fortification bill? What has become of the fortification bill? Why does not the Senate act on the fortification bill? All the seaboard—all that part of it which has not been already provided with works of defence—is alive to this subject. No measure is more imperiously demanded by the exposed condition of the seaboard, and none more loudly called for, in connexion with liberal appropriations for an increase of the navy, by the general sense of the country.

This matter has been delayed and put off till it is now too late to do much else than to prepare for entering upon the contemplated works at an early period of the next year. And why it is that this important bill has been postponed to others of much less consequence, and suffered--nay, made--to lie on the table, while the season for operations has been passing away, I am un-

able to understand. But I hope the Senate will now settle the details of it, and do what, in my humble apprehension, the Senate ought to have done two or three months ago.

The Senator from Tennessee who has just taken his seat [Mr. WHITE] appears to understand the Secretary of War as recommending, in his report on this subject, a postponement of all the new fortifications named in this bill, and the completion of those works only which have been heretofore commenced. But, sir, I have not so understood the report. On the contrary, the Secretary expressly recommends the construction of fortifications at several points where none have been commenced.

If we are to proceed upon the principle that no new works shall be commenced, confining the appropriations to the completion of those already in a state of forwardness, the State I have the honor to represent will still be left without defences. She has no works commenced, and therefore has none to complete. The views of the Senator from Tennessee go to sustain the motion submitted by the honorable Senator from South Carolina, [Mr. PRESTON,] when this bill was last before the Senate, and which, as I understand it, now comes forward for consideration. The motion was to amend the bill by striking out the appropriation for the defence of the Kennebec. In making the motion, he announced his intention also of moving to strike out all the appropriations for works of the third class, as classified in the report of the board of engineers made in 1821; and also to strike out the appropriation for steam batteries. These several motions, it seems, are to be met successively. Now, the Kennebec falls within the third class in that report, and would therefore be embraced in the second proposed amendment. But the Senator has thought proper to single out the Kennebec river for the separate action of the Senate; no doubt, supposing it to be a vulnerable point, and more assailable than any other in the bill. He does not choose to attack the whole line of fortifications at once, but to break through it at some chosen point, and then to cut them up in detail. I suppose that would be according to military principles.

It is not my intention, sir, to take up the time of the Senate in advocating the system of national defences, for one part of which this bill provides; for I apprehend that at this day few are to be found, who are willing to hazard their reputation as statesmen, by calling in question the wisdom of shielding a maritime frontier, and furnishing a navy with convenient and numerous places of resort and refuge. The example of other nations, and the experience of our own; the concurring opinion of distinguished statesmen, and others eminent for their military science; the established policy of our Government, hitherto sustained by all parties; in fine, history, example, experience, science, and patriotism—all concur in sustaining the system of national defences, which embrace a navy and fortifications. The recent report of the Secretary of War upon this subject, which has received so much commendation, fully sustains the principles of the bill under consideration, differing only in some of its details.

Indeed, I do not understand that this system of defence is seriously questioned by the Senator who submitted this motion. There is, however, the honorable Senator from Kentucky, [Mr. CRITTENDEN,] who the other day, in endeavoring to find sufficient surplus revenue to justify its distribution among the States, took occasion to denounce fortifications on the maritime frontier, as wholly unnecessary to the present and prospective condition of our country. He thought we could do without them. He was opposed to the whole scheme. And I infer from his remarks, that he was also opposed to a navy; for he told us that, instead of preventing an enemy from landing on our shores, we ought rather to invite him to land—make room for him to disembark, that those who should be left to recross the Atlantic might carry back with them such experience of our hospitality, as would deter them and others from a similar enterprise thereafter.

Sir, there is more chivalry than wisdom in such a view of the subject. Fortifications are not so much to prevent an enemy from landing on our coast, as to shut up our harbors, occlude our ports, and lock up the mouths of our rivers, and thus to guard against a sudden attack upon our commercial towns by the fleets of an enemy.

The Senator thinks we should find no great difficulty in chastising an enemy that should have the presumption to land on our shores. And, sir, he seems to suppose that it would argue imbecility and cowardice to attempt to keep him away from our harbors by those ugly, frowning battlements, and to protect our cities by fortresses. Perhaps he supposes it the wisest and most gallant course to give an enemy's ships of war free access to our commercial towns, and, after he has battered them down, to invite him to land and measure swords with us! We should unquestionably give him some evidence of our valor, but I do exceedingly doubt whether he would carry away with him any very high opinion of the wisdom of our protective policy. And should he not accommodate us by accepting our invitation—should he not choose to land and give us battle on shore, we might lose the opportunity of proving even our valor.

But the Senator from South Carolina does not go quite so far. I do not understand him as opposed to this system of public defences. On the contrary, he claimed for his colleague the distinguished honor of having "fought up" this system of fortifying the maritime frontier, against much opposition and discouragement, at the time he was Secretary of War. And so creditable did he deem the achievement to his wisdom and patriotism, that he erected for him a triumphal arch, and fixed his statue upon it, and seemed resolved that it should not be cast down by impious hands, without an effort to sustain it there. The effort, it must be admitted, was a splendid and gallant one. And I trust the honorable Senator, whose name and fame it was intended to perpetuate, will, by his support of this bill, vindicate his claim to the apotheosis designed for him. Yes, sir, I may be permitted to hope that the combined honors of rhetoric and statuary will call up the distinguished Senator alluded to, to the support of the bill, against the assault made upon it by his eloquent colleague.

Since, then, the system of fortifying the maritime frontier is not to be impugned, I ask what is the objection to this bill? One objection is, that it involves too great an expenditure; that it is entering upon a scheme that will call for appropriations to an unlimited amount. At the same time we are told, and from the same quarter whence this objection comes, that our Treasury is full to overflowing; that there is now a surplus in the Treasury of thirty-two or thirty-three millions, with a prospect of some forty-one or forty-two millions by another year; and that it is absolutely impossible to exhaust that surplus, or to sponge it up by this scheme of fortifications. It is asserted that the most liberal, extravagant, profuse appropriations for this purpose "cannot possibly touch the surplus revenue"—not even touch it; that its increase is going on with so much rapidity, that prodigality itself, with its utmost strides, cannot overtake it. And yet, the Senator says that the amount appropriated by this bill is "alarming." Appropriations, which are necessarily so insignificant in amount that they cannot even touch the surplus in the Treasury, are at the same time to be regarded as "alarming" and "appalling," and leading on to national bankruptcy. How

these conflicting views of the subject can be reconciled, I cannot very well understand.

With a view, however, of diminishing the amount appropriated by this bill, it is proposed to strike out the fortification for the defence of the Kennebec waters, and that is to be followed by another to strike out the proposed fortification for the Penobscot. My purpose is to resist these propositions as unjust to the State I represent here, unwise in regard to great and important national interests, and as being an utter departure from the constitutional obligation resting upon Congress to provide for the common defence.

The geographical position of Maine renders the question of fortifying her maritime frontier one of great interest to the State as well as to the Union. She occupies an intermediate position between the rest of the Union and the possessions of a foreign Power. Her ports and harbors are within a few hours' sail of the ports and harbors of a nation that may be, as she has been, our enemy. The coast of that State, for many leagues at sea, is the most frequented cruising ground in time of war, of any portion of the coast of the United States. It is literally whitened with our commerce. It is there that an enemy's cruisers would reap their rich harvest of prizes, and do more injury to the commerce of the country than they could do at any other point of the Atlantic coast. Leave that coast undefended, and it would be swept as with the besom of destruction. All the commerce, foreign and coastwise, which is carried on by two hundred and fifty thousand tons of navigation, would be swept from the ocean; our valuable fisheries would be annihilated; and the whole seaboard would be lighted by the conflagration of our ships, our towns and cities, and every thing accessible to an incendiary foe. If the harbors on the coast of Maine should not be fortified and occupied by us, they will, in time of war, be occupied by the enemy. If they shall not be made places of refuge and protection, they will be places of exposure and destruction. There are a number of important positions on that coast which would be immediately seized upon by an enemy, and made places of rendezvous for his cruisers, privateers, and ships of war; whence they could sally out to intercept our commerce, and "sink, burn, and destroy;" and where they could refit and levy contributions of supplies upon the defenceless inhabitants.

Sir, this does not rest upon conjecture. It is matter of history. With us, it has been matter of experience. In the last war with England, she at once perceived the advantages of occupying a position on the coast of Maine. She early fitted out an expedition, which seized upon Castine, a position on the Penobscot waters, where the enemy fortified himself. From that position he was enabled to commit havoc and devastation upon our commerce. The number of merchant vessels which that position enabled him to capture, I have no means of estimating.

It is for the protection of these waters, the waters of the Penobscot bay and river, that one of the fortifications is designed. There are a number of commercial towns on the bay, whose shipping would, in times of peril, seek refuge in the river, above the contemplated fortification. Among them is Belfast, the proposed Atlantic termination of the Belfast and Quebec railroad. Above the position to be fortified are several others, and at the head of navigation is the city of Bangor, which ships annually from 300 to 400 million feet of lumber. This city has just sprung into existence. Six years ago its population was only 2,868; now, it is 9,000. Its increase in wealth and enterprise exceeds even that of its population. It bids fair to be one of the most considerable cities of the North.

Kennebec river, which is proposed to be left defenceless, is one of the largest in New England. It is navigable for large ships of war to Bath, and for smaller vessels to Hallowell and Augusta. Bath is a highly commercial town. More shipping is built in the district of Bath than in any other in the State, and a quarter more than is built in all the southern States put together. Above Bath, on the river, there are several thriving and prosperous towns. At the head of navigation is the capital of the State, and at that place is situated the arsenal of the United States. Yes, Mr. President, the United States have there property in buildings and the *materiel* of war to a large amount. Would you leave that undefended? Would you leave not only the valuable commerce of that river and adjacent ports, and the thriving towns that adorn its banks, but also your own arsenal, exposed and unprotected? Did you erect your buildings there, but for the accommodation of your enemy in time of war? Was it to supply him with arms and munitions of war that you exposed them on an unfortified river in (as it may be) his own neighborhood, where he could have ready access to them? Sir, to leave the mouth of that river unfortified, would be a palpable invitation to an enemy to come and help himself. He would so regard it, and accept the invitation. His very first expedition would be to the capital of the State. Without an hour's notice or warning, favored by a fair breeze, he would run up the river, set fire to the shipping at Bath, demolish that and the other towns above it, seize upon the arsenal, turn its guns upon our capital, and, having supplied himself with whatever he might stand in need of from the arsenal, return musing upon the marvellous wisdom of a nation that, with a bloated Treasury, with overflowing coffers, could leave such a position unfortified.

But, is there nothing else to be protected by fortifying that coast? Are there no other interests to be regarded? Sir, there are there more than half a million of your population, an industrious, moral, enlightened, enterprising, patriotic people, who are neither insensible to what they owe to the national Government, nor ignorant of what the national Government, under the constitution, owes to them. The State possesses a great amount of commercial and agricultural wealth, and manufacturing enterprise is spreading rapidly over the State. I find, by a report made to Congress in 1832, by the Secretary of State, founded on very partial and incomplete returns and estimates, that the manufactures at that time amounted to upwards of seven millions of dollars. They may be safely estimated at the present time at ten millions. Add to this the value of lumber cut and sawed annually, estimated at ten millions, and the market value of lime manufactured in that State, estimated at one million, and we make an aggregate of twenty-one millions, independent of its agricultural products. The article of wool alone, grown in that State in 1832, was estimated, from the returns, at one million six hundred and forty thousand dollars. It must now exceed two millions. There are no means of estimating the amount of other agricultural products. But I have already shown enough to entitle that "peninsular State," as the Senator calls it, to some little consideration. Not one of the Atlantic States possesses so great natural resources, nor one which is making more rapid progress in wealth and population.

The Senator, in his speech preliminary to the motion under consideration, took occasion to speak of the great amount of exports from the southern States, and adverted to the small amount of exports from Maine. The inference was, that more should be appropriated for the defence of the southern, and less for the northern frontier. The returns show only the exports to foreign countries. There are no returns which show the amount of our coastwise commerce. We must arrive at

that by inference and estimation. In 1833, the exports of South Carolina amounted to upwards of eleven millions of dollars. That, with a small amount of exports coastwise, deducting what was retained for home consumption, may be regarded as the product of the labor of the producing class of the population of that State. Some allowance is to be made for what was grown beyond the limits of that State. Maine has a population somewhat less than South Carolina, but it is an active, industrious population of freemen. It does not there take one half to keep the other half employed. The product of industry and enterprise in Maine cannot be less than that of South Carolina. I have no doubt it is greater. But the exports from Maine to foreign countries, for 1833, were short of a million of dollars. What, then, became of the residue of their products, making the same deduction for home consumption? The answer is, it was shipped coastwise. The difference, then, between the commerce of Maine, and that of South Carolina, is this: the latter State shows a greater amount of exports to foreign markets, and the former a greater amount to ports in the United States. They ship more to foreign countries, we ship more coastwise.

Now, I would ask, which is most entitled to the fostering care and protection of the Government—the commerce carried on by a State with a foreign nation, or the commerce of the States with one another? How would it be in time of war? which is the true question, in reference to our protective policy. Would a cargo of flour shipped from Alexandria or Petersburg be more entitled to protection when destined for Europe, than when shipped to Portland, Bath, or Bangor? Would you regard as more important the safety of a cargo of cotton, when shipped from Charleston to supply the manufactories of Europe, than when shipped for Boston or Portsmouth for the use of the factories at Lowell or Dover? The answer must be, two to one in favor of domestic commerce which finds a market for the products of one State and a resource of supplies for another; and Congress is under the same constitutional obligation to protect the commerce carried on between the States, as it is to protect foreign commerce.

Sir, there are other considerations to which I ask the attention of Senators from the South and Southwest. It is not difficult to show that the whole South and Southwest are directly interested in the fortifying the northern frontier, especially the frontier of Maine; and I cannot but marvel that a motion which goes to defeat an appropriation for that purpose should come from the South. The great amount of exports from the southern States has been adverted to. The following is an abstract of the value of exports of domestic produce to foreign countries, for the year 1833. It is made up from the latest returns that have been published:

States.	In Am. vessels.	In foreign vessels.	Total.
Louisiana, - -	16,838,562	6,921,045	23,759,607
Alabama, - -	4,141,786	1,522,261	5,664,047
Georgia, - -	5,166,844	2,400,483	7,567,327
South Carolina, -	7,255,281	3,864,284	11,119,565
Total of four States, -	33,402,473	14,708,073	48,110,546
Virginia, - -	4,740,003	719,237	5,459,240
North Carolina, -	360,012	111,394	471,406
Mississippi, - -	none	none	none
Florida, - -	175,218	14,967	190,185
Total of the southern States, -	38,677,706	15,553,671	54,231,377
United States, -	61,286,119	19,738,043	81,024,162

Here we see that the whole amount of the exports of the United States was eighty-one millions; of which forty-eight millions were from the four States of Louisiana, Alabama, Georgia, and South Carolina alone. To this must be added a large amount of coastwise exports. Now, let me inquire of southern Senators by what means this vast amount is transported to their foreign and domestic markets? Do you ship it in your own vessels, or in foreign vessels? To a very great extent, you do not.

Let us see how this is. The following is an abstract of the tonnage built, the tonnage owned, and the permanent registered tonnage in 1833.

States.	Tonnage built.	Tonnage owned.	Registered tonnage, permanent.
Louisiana, - -	326	60,903	13,100
Alabama, - -	65	7,540	1,392
Georgia, - -	547	9,994	2,467
South Carolina, -	649	14,058	3,246
Total of four States, -	1,587	92,495	20,215
Virginia, - -	3,326	50,407	6,834
North Carolina, -	3,012	38,235	6,603
Mississippi, - -	30	1,003	none
Florida, - -	46	3,787	766
Total of the southern States, - -	8,002	185,927	34,418
Total of the United States, - -	161,626	1,606,149	641,091
Maine, - -	51,687	225,329	70,499
Portland, - -	7,860	49,012	
Kennebec, - -	11,214	42,772	
Penobscot, - -	10,587	49,412	

By this abstract it appears that the whole amount of shipping owned in the four States mentioned, is 92,495 tons: 40,225 of the 60,903 owned in Louisiana, is steamboat tonnage employed on the rivers, leaving 52,259 employed in foreign and coastwise commerce. The permanent registered tonnage is that which is engaged in foreign commerce, with but few exceptions. Of that, these four States have but 20,215 tons, while the whole amount of American tonnage employed in foreign commerce is 641,091. Adopting that proportion, South Carolina should have about 70,000 tons instead of 3,000, having upwards of seven millions of exports in American vessels. The four States mentioned, with more than half of all the exports of domestic produce, own less than a thirty-fourth part of all the American tonnage employed.

There is, then, this very great deficiency of vessels at the South; and to supply that deficiency, she is necessarily indebted to those States which have an excess above their exportations; the principal of which is Maine, having over 70,000 tons of shipping engaged in foreign commerce, with less than a million of exports. Yes, Mr. President, Maine, hitherto overlooked, forgotten, and disregarded in every thing relating to the defence of her seaboard, owns nearly 40,000 tons more shipping than all the southern Atlantic and Gulf States south of the Potomac. Nay, I may say she has more spacious harbors, more deep and convenient waters, more ports of entry and delivery, more facilities for commercial and naval operations, than all of the southern States together, south of the Chesapeake. Sir, I do not speak extravagantly. The facts, on examination, will be found to bear me out.

But, sir, I will go further, and inquire where the South obtains the vessels she owns. If I am not much mistaken, it will appear that she is indebted to the North for them, and, to a great extent, to Maine herself. By adverting to

the abstract, I find that the four States named built in 1833 but 1,587 tons, while Maine built 51,687. The district of Bath alone, one of the twelve districts into which that State is divided, builds a third more than all the southern States together, from Virginia to Louisiana, inclusive. That one district, for the defence of which not a dollar has been expended on any permanent fortification, owns three times the amount of tonnage that is owned by the whole State of South Carolina, whose ports have been fortified at an expense of little short of a million of dollars. The same remark may be made in reference to Portland and the Penobscot. Our ships, many of which are among the very best freighting vessels in the world, navigated by intelligent and experienced shipmasters, and manned by hardy seamen, are found in all the southern ports, New Orleans, Mobile, Savannah, Charleston, &c., competing for freights and taking their produce off their hands at the lowest prices of transportation.

Now, sir, leave the maritime frontier of Maine without defences, leave her harbors exposed, give up that "peninsular State" to the enemy, and a declaration of war would put an absolute stop to ship-building. Her five or six hundred shipyards would be desolate; and the first six months after the commencement of hostilities would see our shipping destroyed and its owners ruined. The effect such a state of things would produce on southern interests dependent on the ship-building and ship-owning States, cannot be accurately estimated. The price of freights would be greatly increased. Such a diminution of the number of freighting vessels would destroy all competition for freights, and southern producers would be compelled to pay whatever northern carriers should choose to demand. And thus is the South directly interested in the defence of our harbors in Maine, and in the protection and preservation of our shipping. We do not build ships for ourselves alone; we build them also for the South. The shipyards of the South are in Maine. She is the great ship-building State of the Union. Throughout the whole South and Southwest, every producer of a bag of cotton, a hogshead of sugar, or any other article of export, has a direct interest in this matter; for they will feel the effect of the increased price of freights in the diminution of the home value of their products.

Mr. President, there is one other consideration to which I cannot forbear calling the attention of the Senate, involving a matter of great national interest. I have reference to the long pending and still unsettled controversy between this Government and that of Great Britain, relative to the disputed territory on our north-eastern border. It is a large and valuable portion of the State of Maine, claimed, and to some extent occupied, by Great Britain; but which is clearly our rightful domain, and should be held within our sovereignty and jurisdiction.

The Senator from Massachusetts [Mr. DAVIS] laid before the Senate, some time since, resolutions emanating from the Legislature of that State, which relate to this controversy and to the territory in question. It was at a time when I was absent from the Senate a few days from indisposition. I have since seen a published report of his remarks on that occasion, in which I find an extract published, as having been read to the Senate from the report of a committee sent by that State, some months since, to explore and examine into the condition of the country in dispute between the two Governments. A part of that extract is as follows:

"The committee have thus briefly noticed the outline presented in its passage across this important portion of our domain. When it shall be explored more fully, it will be found to contain an inexhaustible treasure, in its deep forests, its rivers, and its soil. The condition of all that portion now held in the custody of England, presents matter for serious and anxious reflection. Are we humbled by the lofty pretensions of a Power from whom we have twice conquered an honorable peace? or from what cause is it that our pride seems subdued, while our interests are sacrificed? No American, and especially no man of New England, can traverse this region, and shut out from his mind the conviction that wrongs have been perpetrated under the cover of diplomacy, that dare not be defended in the open field. This land, which we claim belongs to us of right, has, for some cause, or to answer some purposes, been most ignominiously surrendered to the custody of a foreign Power. It does not fail to impress one strangely, that, after a possession of more than a quarter of a century—after the full exercise of sovereignty, we should quietly permit that possession and that sovereignty to pass into the hands of a foreign Power, and thus be held, until that Power shall find leisure to establish over it a permanent legal title. But your committee will not dwell upon a topic so fruitful of unpleasant emotions; they were sufficiently harassed by them, while traversing this region; they could not look abroad without witnessing the depredations and waste everywhere committed; they could not fail to appreciate, at its just value, the guardianship exercised over it. They were not blind to the trespasses once suppressed by our own agents, but now renewed, upon the timber and the lands, and that seemed to be pursued with an eagerness and an ingenuity that scorned resistance or defied detection. They did not complain, for there was no power to redress. Nor do the committee now arraign the conduct of the British agent; he is powerless on this subject. The great mass of the population consider the lands as waste; and each plunders and appropriates as his inclination or interest leads him. There have been some devices thought expedient as a cover for some of the grosser acts under the eye of the authorities. 'Location certificates' are granted by the Government of New Brunswick to old soldiers; these are made to cover one tract, until the timber is stripped, and then it is changed to another—a sort of roving commission, protecting the aggressor, when the power to punish needs but a slight apology to quiet it. Large portions of this region held in trust, thus formally, have recently been claimed as belonging to Canada; thus taking it out of the jurisdiction of the trustee, the Governor of New Brunswick, and freeing it from all rule, or law, or agency."

I have read this extract for two purposes. One is, to have the opportunity of reminding the Senator, who has made it a part of his speech, that, whatever errors of diplomacy have been committed in respect to that matter, were committed by those for whose acts the present administration cannot be held responsible. Whatever wrongs have been perpetrated under the cover of diplomacy, that cannot be defended in the open field, have grown out of measures which had not the consent of Maine, and which were as much against her wishes and interest as they are against the principles and policy of the present Executive Department of the Government. I need not be more explicit. That Senator was, I think, a member of the other House during a period now gone by, where he was a distinguished and able supporter of the then existing administration, in most of its measures, if not of its diplomacy.

There is another honorable Senator on this floor, who has doubtless some faint recollections of interesting circumstances that have taken place in respect to this question, with which his official duties, always ably performed, must have made him acquainted. What reference the Massachusetts committee had to the "diplomacy" at Ghent, in which that Senator took a distinguished part; or what reference was intended to what took place in

respect to this matter during his premiership, under a late administration, the committee itself can best tell.

But, sir, it is no purpose of mine, in making these remarks, to lay blame at the door of any one. I am particularly desirous in this discussion of avoiding every topic not legitimately connected with the subject under consideration. If the Massachusetts committee, or the Senator, had been a little more explicit in the allusion to what is called an "ignominious surrender of territory, for some cause, or to answer some purposes," and fixed the imputation where it belongs, if it belongs anywhere, I should have spared myself these remarks.

I have read the extract for one other purpose, more apposite to the question under consideration. It was to show that Maine was not alone in considering this question of boundary, as it is called--more properly a question of title and territory—as one which, in its present aspect, is justly calculated to produce "serious and anxious reflection." He alone, whose prophecy is knowledge, and who controls the destinies of nations, can tell in what that controversy will end. The country in dispute embraces about one-third of the State. It is equal in extent to the two States of Massachusetts and Rhode Island. It is valuable for its deep forests of timber, as well as for its soil, and the numerous streams which intersect it. It is capable of sustaining a million of inhabitants. Our title to it is as clear as language can make it. And the British Government urge their claim to it with an earnestness and pertinacity equal to the clearness of our title. Shall it be submissively yielded to her? Sir, it would be a disgraceful surrender of a clear and manifest right.

How, then, is the matter to be settled? Negotiation has been tried thus far in vain. There is little prospect of its being more successful in future. And how soon the time will come when the honor and rights of the nation shall imperiously require a resort to measures of a more determinate and decisive character; I will not predict. I have reason to believe that this controversy is regarded by the Executive with anxiety and concern, from a sincere desire to preserve the friendly relations between the two nations; at the same time, resolved not to compromit the just rights of Maine, and of the Union, to the tract of country in question.

Now, sir, to what extent future negotiations would be influenced by placing the maritime frontier of that State in a condition of security, is a question worthy of consideration. Great Britain considers the possession of this territory of great importance, as well from its intrinsic value as from its location. A large portion of it, as the Senator from Massachusetts remarked, is covered with a thick growth of white pine. Much of that valuable timber, and of the timber spruce, nearly as valuable—for some purposes more so—still remains within the undisputed boundaries of the State. But that is rapidly disappearing before the axe of the lumberman. Many have estimated that on the Penobscot waters alone, between 300 and 400 millions of feet of lumber are cut and sawed annually. Proportionate quantities are cut on several other of the rivers in Maine; and the business is increasing rapidly, and the prices and value still more rapidly, from the increasing demand of the country. Does not Great Britain perceive that the time will soon come when that forest of timber, which she is endeavoring to appropriate to her own use, will be the only resource left of that valuable species of lumber, for all New England, New York, and the Middle States, to a considerable extent, and for the South to some extent also? I speak of this peculiar and valuable kind of lumber, which is found in no great quantity anywhere else in the United States, readily accessible from the ocean. I say, sir, does not Great Britain perceive this, and is not her anxiety to hold that territory greatly increased by a desire to monopolize so valuable an article of commerce? And I ask, sir, will she recede from the position she has assumed in relation to it, so long as she sees the whole maritime frontier of Maine, with all her shipping, her commerce, her towns and cities, naked and exposed? Will she feel any apprehension from us, while we ourselves are so defenceless? Will she fear to receive, while she can so readily give blows? Let me tell you, sir, that controversy can never be settled in a manner consistent with our honor and our rights, until the maritime frontier of Maine shall be put in a state of security. Its present defenceless and exposed condition is an encouragement—an invitation to Great Britain to hold out in her preposterous claim. But I will not detain the Senate in presenting this matter in the variety of aspects in which it exhibits itself to my mind. If you would secure that important part of our domain by peaceable measures, place the State in such a condition that Great Britain shall not find in our very defencelessness a lure to a war of conquest and acquisition. Let her at least not see us in such a condition, that we may be supposed unwilling to hazard a vindication of our rights. With the panoply of defence thrown over us, we might reasonably hope that a negotiation so long protracted would at last terminate in the successful establishment of our just territorial and jurisdictional limits. We might hope to avoid a war, which otherwise may sooner or later be inevitable.

Let no man attempt to reconcile himself to the idea of abandoning that country on the ground of its trifling value. I will not stop to estimate its value as matter of property. It is sufficient that it is a portion of the United States--a large part of one of the sovereign States of this Union; and to surrender our right to it on the extraordinary claim and demand of Great Britain, would be an ignominious act of national degradation, as much so as would be the surrender of the District of Columbia. Twenty years ago, instead of claiming title in herself, she was seeking to to acquire from us a right of way—a communication through this territory from New Brunswick to Quebec. After diplomacy had put her spectacles on, after the treaty of Ghent, she began to view the matter in a different light; and now, instead of negotiating for a right of way she is claiming full right and title in herself, and even denying us a right of way to the St. John's, and upon its waters to the ocean!

Some of the consequences resulting from the condition in which that country is now placed, are the subjection of American citizens to the vexatious dominion of a foreign Power, the destruction and waste of timber, delaying the settlement and agricultural improvement of a fertile portion of our territory, and imposing restraints upon the extension of public and private enterprise.

Under these circumstances, the obligation and the remedy are with this Government. What can Maine do? Your constitution, to which no State is more faithful, tells her she has no right to make war. She can enter into no negotiation, make no treaty, levy no impost duties. She has yielded up most of the means and the power of vindicating her rights against foreign nations, in exchange for the national guaranty of protection. And you have admonished her that she should be careful not to embroil the two countries in war by her imprudence. She has been told that negotiations of some sort were going on, that diplomacy was at work, and that her rights should be secured to her; that you had difficulties with other Powers to settle, and that it was not politic or prudent to engage in too many controversies at the same time. Well, sir, all this we thought very reasonable; and we have waited till all other controversies have been settled. We have remained quiet, and, from a sincere desire to avoid every act which should tend to disturb the friendly relations between the two

countries, we have afforded many practical examples of the virtue of forbearance, while our neighbors have advanced and moved back our landmarks. But, sir, here we stop.

This matter demands the serious attention of this Government. If neglected now, it may, at no distant day, involve a question of the most serious import. I know that whatever can be done to secure our rights by negotiation, will be done. All peaceable measures will be first tried. All the influence of a just, temperate, and wise policy, will be brought in aid of a firm and resolute assertion of the rights and honor of the nation. But without a preparation for enforcing and vindicating them, I have too much reason to apprehend that negotiation will be fruitless. That argument with nations is often most convincing, which has something besides diplomatic logic to support it.

I make no unavailing complaints about the past. I take the question as I find it. And how is that? Why, sir, a considerable portion of one of the sovereign States of this Union is subjected to the dominion of a foreign Power; and all the other States, save one, seem to look quietly on, wholly unconcerned so long as their territory remains undisturbed! Is it not so? Hitherto, the constitution has afforded us no practical guaranty either for the defence of our seaboard or the integrity of our territory. If such is to be its practical exposition in future, I would be quite willing to exchange it for the old articles of confederation, as loosely and feebly as they held the States of this Union together.

Sir, Maine is not disposed to claim more than justly belongs to her, nor to assume any attitude unbecoming the dignity of political sovereignty. She has not been, she will not be, unreasonable in her claims. She asks only those rights which the national compact secures to her in common with all the other States. In urging them with energy and firmness, she will not lose sight of what is due to her own character, nor what is due to the character of this Government. She has the highest confidence that nothing will be left undone to secure her rights, which the constitution has placed in the power of the executive department of the Government to do. She now asks that Congress will place her on an equal footing with the other States, in respect to frontier defences, having regard to her local position and the high interests she has at stake.

Instead of the amount appropriated by the bill for the defences of Maine being greater than her condition requires, in my apprehension it falls far short of it. But three positions are provided for. In reference to the important considerations to which I have adverted, I cannot but believe that a prudent forecast would lead to the immediate commencement of fortifications at other points for which no appropriations are made. If we should be so unfortunate as to be engaged in another war with England, which no State has so much reason to deprecate as Maine, her borders and her coast would be the first, if not the principal, scene of conflict. Provide her, then, with armor. She is young, but robust and athletic. Give her but her helmet and shield, and in peace or war she will do you no dishonor. The mouth of every river should be guarded. Every town on our seaboard, of sufficient importance to excite the cupidity of an enemy, should be provided with some suitable work of defence. I do not ask great and extravagant expenditures. We want no such expensive fortresses as the South "fought up" for her defence. We want none covering sixty or seventy acres. We want no Monroe fortresses; no Rip Rap defences. We ask only such as are suited to the positions they may occupy; suited to the objects to be defended, to the inducements an enemy would have to make an attack. The repulsive, should always be proportioned to the attractive power.

The position at the mouth of the St. Croix is becoming one of great importance. Calais, situated at the head of navigation, some thirty miles above Eastport, which in 1830 contained but one thousand six hundred and eighty-six inhabitants, is now estimated to contain upwards of four thousand. The commerce carried on from those waters is very considerable, and is rapidly increasing. The returns for 1834 show that the foreign vessels which entered and cleared at Eastport, in that year, amounted to nearly ninety-eight thousand tons. This was nearly equal to the entry, and exceeded the clearances of foreign vessels, at New York; and very far exceeded those of any other commercial place in the Union. It was greatly disproportioned, however, to the clearances of American vessels. The harbor of St. Andrew's, where an enemy's fleet could rendezvous, lies on the opposite side of these waters, and is within striking distance of Eastport and other places on the river. This important and exposed position has received much less consideration than it is entitled to; and I hope the attention of the proper department will be called to it, and that all necessary examination and surveys, preparatory to the construction of suitable works of defence, may be speedily made.

It appears to be understood, that, because the positions at the Kennebec and Penobscot rivers are named in the third class in the classification made by the board of engineers in their report of 1821, they are therefore to be considered third rate positions in point of importance. Whatever was the object of so classing them in 1821, it ought not to be overlooked that, by the able report of the same board in 1826, those positions are placed in the second class; and by a recent report of the board just communicated to the Senate, they are embraced in the first class. Those formerly considered as entitled to the earliest attention, have already been provided with works of defence. And those which, in 1826, were regarded in the second class, now become the first class of positions remaining to be fortified. The work has been going on. The system of public defences has been adopted and pursued, sometimes with more, and sometimes with less, energy and zeal. The South has had the benefit of appropriations for the fortification of the Mississippi, Mobile bay, Pensacola, Savannah, Charleston, and other places. So far as regards that section of the Union, the system has been carried into execution, and the vote of the North has never been wanting on any question of appropriation for that purpose. But when, in her turn, the North claims her share in this matter, the South—no, sir, not the whole South, I trust, but South Carolina--rises up against it. She "fought it up" for her benefit, and now would fight it down for--nobody's benefit. South Carolina, with her one or two ports of entry, has received the benefit of appropriations for this purpose to the amount of nearly a million of dollars. Maine, with her twelve ports of entry and forty ports of discharge and delivery, has not had a single dollar expended under the new system on any permanent work of defence. The State of South Carolina, which builds but 640 tons of shipping, and owns but 14,000 tons, has, in regard to the defence of her one or two harbors, received the first and earliest attention of the Government; while Maine, which builds more than 50,000 tons of shipping, and owns 225,000, has been postponed and passed over! and this, too, by a Government acting under a constitution which imposes upon it the obligation of providing for the common defence of the whole country, and the general welfare and protection of all its parts.

Mr. President, I have intended nothing invidious in the reference I have felt myself called upon to make to the comparative claims of the South and the North. I regret that occasion has been given to present the dif-

ferent sections of the country in comparison or contrast. I have done so, but in answer to the disparagement offered to the right of the State I represent here to be embraced in the plan of common defence proposed by the bill. I would never volunteer, on any subject, in a gratuitous argument founded in sectional interests and distinctions. Such considerations ought never to control the legislative action of Congress, nor in any manner characterize its deliberations. The States of this Union constitute one great political family, all the members of which have a common interest, and should act from a common impulse. The different parts of the country they embrace seem designed by the God of nature for mutual dependence and a community of interests. Their very variety of climate, the diversity of productions to which they are adapted, and all the opposites and apposites which are presented in the different sections of our widely extended country, serve but to give them an adhering affinity, and bind them more closely together.

After some remarks from Messrs. EWING of Ohio, WALKER, and PRESTON,

Mr. PRESTON moved to amend the pending amendment by making it read as follows: "for fortifications at Penobscot bay, the sum of ——— dollars annually for two years;" which motion was accepted by Mr. BENTON as a modification of his amendment.

Mr. WEBSTER suggested that the question on this amendment had better be taken when the Senate was full; and, as it was late in the day, he thought that they had better adjourn.

The Senate then adjourned.

FRIDAY, MAY 20.

VOLUNTEERS.

Mr. CALHOUN, from the committee of conference appointed on the part of the Senate, to confer with a committee of the House on the disagreeing votes of the two Houses as to the Senate's amendment to the bill authorizing the President to accept the services of ten thousand volunteers for the defence of the western frontiers, reported that the committees of the two Houses had had a meeting, but that they had not been able to effect the objects for which they were appointed, having sat the whole day without coming to any agreement whatever.

Mr. KING, of Alabama, (from the same committee,) observed that it was true that they had come to no agreement on the point at issue between the two Houses, inasmuch as some gentlemen seemed to think that they had the whole bill under consideration, and that they had the power to modify it at pleasure. He hoped that when the Senate again appointed a committee of conference, they would appoint gentlemen who would be willing to confine their deliberations to the subject of disagreement, and not think themselves authorized to take the range of the whole bill.

Mr. CALHOUN replied that the committee did confine themselves to the subject of disagreement, until finding that there was no possibility of coming to an agreement on that point, they entered into a more enlarged discussion, for the purpose of ascertaining whether the bill could not be so framed as to meet the concurrence of both Houses. His understanding was, that when a committee of conference came to a proposition that could not be agreed on, the whole subject was open to them.

Mr. KING of Alabama recollected exactly the state of the case. The proposition last made was, that they should extend the term of service of the militia force of the United States for a year, instead of its being a volunteer militia force. This was the last subject of conference; and, after taking until half past five o'clock, the committee found that they could come to no agreement whatever.

Mr. CALHOUN said it was true that that proposition was made, but another one was also made, and that was, that the President should receive these volunteers from the States by battalions, regiments, and brigades, officered by the States. The committee of the other House was unanimous in the opinion that it was unconstitutional for the President to officer this force, unless it was made a part of the regular army, and that then he must appoint the officers in the same way that other officers of the regular army are appointed. He must say this bill had been passed under the pressure of very extraordinary circumstances, and that, consequently, that consideration was not given to it in this particular that its importance deserved. It had been called up by the Senator from Alabama, under the apprehension of a Creek war, and its immediate passage was insisted on. They were told that there were precedents to sanction it; but, on examination, he found that there was not one. The precedent referred to, was the volunteer bill of 1812, which was passed the very day preceding the adjournment of Congress. By it, authority was given to the President to commission these volunteers; but on what condition? Why, on the condition of enrolment. The bill provided, that, after these companies should be organized, and their services accepted, they should enrol themselves as part of the army; and then, and not till then, the President was to commission them. Now, he would ask gentlemen to consider the difference between this bill, which had been cited as a precedent, and the one before them. By the present bill, they were to have a dormant military force in the country, mixed up with the militia; and this dormant force was to be officered by the President, to mingle with our citizens, entirely contrary to the provisions of the constitution. They ought to be cautious how they established precedents. They all remembered the circumstances under which this volunteer bill of 1812 was passed. Unfortunately, some of the New England States held up their militia, and Congress wanted to get that military force without going to the Executives of those States for them. They authorized the President to accept the services of this militia in companies; and what was the next step? It was first to enrol, and then commission them. And what was the next step now? We get, said Mr. C., a military force mixed up with the citizens of the United States, not organized as part of the standing army, but officered by the President; thus having, at the same time, two militia forces, one officered by the States and the other by the President. Again: the power of appointment of the subordinate officers was virtually taken from the President, and given to the men. He wished to know the necessity for this departure from the constitution. The gentleman from Alabama said that the mode of appointment, provided by the bill, would render the force more effective. Why should it be so? Why would a force officered by the President be more effective than one officered by the States? He did not think that the description of force contemplated by the bill could be raised. The difficulty would be in getting the men to enrol themselves; for officers who were in the late war said that the same thing had been ineffectually tried then. There were but two ways of getting men for a military force: the one was by volunteers raised on the spur of the occasion; and the other was by enlisting men for the regular army from the dregs of society. Now, the men could not be raised under the provisions of this bill, and the result would be, that there would be a multitude of officers appointed by the President, and no men to be commanded by them.

The CHAIR here stated that the debate was irregular,

the message of the House on the subject of its disagreement not being before the Senate.

Mr. KING of Alabama, to give the Senator from South Carolina an opportunity of continuing his speech, moved to take up the message of the House, with the amendment. Disagreed to.

The message of the House was then received, stating that that body insisted on its disagreement to the amendment of the Senate.

Mr. CALHOUN moved that the Senate also insist on its amendment, and that it ask for another committee of conference.

Mr. KING of Alabama said, although the committee were very unfortunate in their conference upon the disagreement between the two Houses, yet he still hoped they might come to some conclusion in a matter of such vital importance as this. He could not assent to the declaration of the Senator from South Carolina [Mr. CALHOUN] that this bill was forced on the Senate by surprise. It was sent from the other House, and was some time under discussion before the Senate. It was time it was acted on with despatch, as it ought to be, for the bleeding citizens of our frontier demanded it, and it passed without opposition even from the Senator from South Carolina [Mr. CALHOUN] himself. He hoped one more effort might be made, so that we might have a force in the field sufficient to meet the emergency.

Mr. CALHOUN said there had not been, nor should there be, any thing wanting on his part to give a safe, prompt, and efficient force for the protection of the frontiers. If the gentleman from Alabama believed that, for the sake of having an efficient force, these volunteers should be officered by the President, he had wholly overlooked the constitution. He entertained the deliberate opinion, that this bill was wholly unconstitutional, and was not supported by a single precedent. In reply to the Senator from Alabama, he asked, if it was not under the pressure of extraordinary circumstances, that this bill was called up and hurried through?

Mr. BUCHANAN said that he had been a member of the committee of conference; and if a second committee should now be appointed, he hoped he would be excused from serving upon it. He did not believe that the appointment of the same committee by the Senate and the House could result in any practical good. They had been busily engaged in the conference chamber until a late hour yesterday; and when they had separated, they were further, if possible, from agreeing, than when they had first met. For his own part, he could not feel the force of the constitutional objections which had been made by the Senator from South Carolina, [Mr. CALHOUN.] It was true that the amendment which had been proposed by the Senate to the bill of the House was somewhat vague and ambiguous in its terms. He had thought, at one time, during the conference, that we should have agreed upon an amendment to the Senate's amendment, which would have made the bill much more explicit, and would have removed all the constitutional objections of the gentleman. When it came to the final vote, he found he had been mistaken.

The amendment proposed in the committee of conference provided that none of the officers should be appointed by the President, until the volunteers were actually mustered into the service of the United States. Until that moment, the companies which might be formed would thus be considered as mere voluntary associations, under no pledge whatever, except that of honor, to enter the service of their country. When once, however, this pledge was redeemed—when they were mustered into the service, they became a portion of the army of the United States for the period of six or twelve months; and then there could not possibly be a constitutional objection to the appointment of their officers by the President. Congress possessed the power to raise armies in any manner they thought proper. Whether they obtained soldiers by individual enlistments, or whether the patriotic young men of the country chose to associate together as volunteers and come in masses, we had an equal right to receive them. The one mode of obtaining soldiers was just as constitutional as the other.

The amendment which had been proposed, whilst it practically insured to the companies the selection of their own company officers, did not interfere with the constitutional powers of the President. The volunteers themselves were to designate such officers, and, if the President approved of such designation, these officers would be appointed. This would be the best and strongest recommendation which could be presented to him; and, no doubt, he would always obey the wishes of the companies, unless in cases where powerful and satisfactory reasons existed to render it improper.

Until these volunteers should actually enter the service, they would continue to be militiamen of the States, and liable to perform militia duty in the States. Their character would not be changed. They would not constitute a dormant standing army in the States, with officers appointed by the President, as had been urged; but would be mere associations, bound together by no law but that of honor. Such men would always be ready to obey the call of their country in case of neces-

The Senator from South Carolina [Mr. CALHOUN] had argued that it would be a violation of the constitution for the President to appoint these officers without the previous advice and consent of the Senate. Whatever doubt might have rested upon this point at the organization of our Government, this power had been exercised, over and over again, ever since the adoption of the constitution, under all administrations. The precedents were numerous. One act had been read, which passed during the late war, conferring upon the President, in express terms, the power of appointing all the officers of the military force to be raised under its provisions, but requiring him to submit these appointments to the Senate for their approbation at the next session. The very same thing was proposed to be done by this act, in regard to all officers above the rank of captain.

Mr. B. said he was afraid to trust his memory in attempting to state the proceedings of the committee of conference. So much had been said, that he could not, if he would, undertake to report it all. We did not confine ourselves to the point of disagreement between the two Houses; but almost every question relating to the military defence of the country had been ably and eloquently discussed. He had derived much information on this subject from the members of that committee. There was one fact which he would mention, and which demanded the serious consideration of the country at the present crisis. A gallant and distinguished officer, who was a member of the committee, (General Ripley,) had stated, that, according to his recollection, the history of our Indian wars did not present a single case in which a volunteer force had been beaten by the Indians. Our disasters in this kind of warfare had always been suffered by the regular troops. Our recent experience was certainly in accordance with this statement. This important fact, however, established the necessity of raising volunteer corps, in some form or other, composed of our brave and hardy youth, accustomed to the modes of Indian warfare, and who were able and willing to fight the Indians, man to man, according to their own custom. Such men would best protect our citizens from the ravages of the Indians, and would soon put an end to the Creek war. He had said more than he intended, as his chief object in rising had been to request that he might not be appointed a member of the new committee of conference.

Mr. CALHOUN would have been glad if the Senator from Pennsylvania had stated the whole of his objections to this bill. He did object to the President's appointment of the officers in the recess; because he believed there was no necessity for giving him such power. The volunteer bill of 1812, referred to as a precedent, was passed on the last day of the session, and there was therefore no time to have the appointments submitted to the revision of the Senate. But here there was no such exigency; if this force was to be at all valuable in the Creek war, they would certainly sit there long enough to provide for its constitutional organization. The Senator from Pennsylvania had omitted another of his objections. This bill conferred on the companies the power of appointing the officers, from the rank of captain, down; and there was not the slightest authority for this in the constitution. Remember (said Mr. C.) that this bill provides for an army of the United States: it can only be defended on that ground; and the bill conferred on the companies the power of appointing their own officers, while the constitution provided that they should be appointed by the President, by and with the advice and consent of the Senate. The proposition was to treat all the officers, from captain, down, as inferior officers, and this, too, in the regular army; and to have them appointed by the President, without the previous consent of the Senate. They well knew how an ambitious man would proceed, when he wanted to seduce the army to aid his views. He would not go first to the general officers; it would be the subordinates that he would first practise on; Cromwell like, he would take the corporals to his bed. The proposition was, in creating this regular army, to confer on the President the power of appointing the officers of every grade.

A member of the committee of the other House, who was a distinguished officer in the late war, told them that it would be impossible to raise the force contemplated by the bill, as it now stood; that the experience of the late war had fully shown that but an inconsiderable force could be raised in this way. This gentleman was most decidedly in favor of a volunteer force in the constitutional way. He said further, that, if officered by the States, a trained force of twenty thousand men could be got in a very short time, without the least difficulty. Mr. C. believed that if the bill passed in its present form, there would be a multitude of officers, without men to be commanded; and that if it passed in the form recommended by the Senator from Pennsylvania, there would be neither men nor officers: and this Creek war would have to be ended without this volunteer force. He hoped that it would soon pass off; indeed, he had just been informed that it was not likely to prove as serious as had at first been apprehended. He believed that a volunteer militia force would be as efficient as the force proposed by the Senator from Alabama. Why should not a volunteer militia force, the officers having commissions in their pockets signed by Governor Clay of Alabama, Governor Lynch of Mississippi, or Governor Cannon of Tennessee, be as efficient as if their commissions were signed by Andrew Jackson? With respect to himself, he was not ambitious of serving in this committee of conference, neither had he any objections to doing so. He held himself at the disposal of the Senate, and was content to serve, or not to serve, as it pleased.

Mr. PRESTON desired to state the history of the bill, which was a proposition to raise ten thousand volunteers; and the 4th section provided the manner in which they should form themselves into battalions, regiments, brigades, and divisions, out of which had arisen the difficulty in relation to the officering of them. It was yielded that they were not the militia, and, as his colleague had correctly stated, they turned out to be somewhere between the militia and regulars. In forming a battalion or regiment, if one company belonged to one State, and the other companies necessary to form it belonged to another State, how were the commanding officers of such battalion or regiment to be chosen? If chosen by the States, which State should have the appointment of them? Here was a difficulty that presented itself in regard to appointments by States; to obviate which, it was necessary that something should be done; and in the discussion in the Senate, they decided that the volunteers should not be officered by the States, and the bill was accordingly recommitted to the committee with instructions; and, in obedience to the instructions given by the Senate, the committee reported the bill. The constitutional question which had been raised in regard to the power of appointment by the President, vanished the moment it was decided that the volunteers were not militia. He cited the act of July, 1812, as a precedent for this bill. But his colleague had drawn a distinction between that act, and this bill, and spoke of a force lying inert and scattered over the country, and not under the control of the States, but subject to the call of the President. With all proper deference to the opinion of his colleague, he thought he had not construed this act correctly. By the act of 6th February, 1812, the President was authorized to receive 50,000 volunteers in companies, battalions, regiments, and divisions, who were liable to be called into service, by the terms of that act, within two years from the time the President accepted their services. And where, he asked, were these battalions and divisions during this time? They were lying inert, and scattered over the country, organized and officered for the service of the country, whenever the President called them into service; and in the mean time were not subject to militia duty. And so it was in the other case: they would be inert for two years, from a corporal, up. The enrolment was not to take place after they were brought into actual service, but when organized, to tender their services.

Although the President might issue commissions, he did not do it until they were enrolled for actual service, and subject to the articles of war. He was authorized to form them into battalions, regiments, brigades, and divisions. Mr. P. cited the language of the act, to show that they belonged to, and were entitled to the privileges of, the mass of the people, until called into actual service. A portion of that organization must necessarily, he said, be by the appointment of officers. Taking it for granted that this species of force was desirable, the committtee were not willing, on the grounds of expediency, to endow it with all the constitutional powers of the militia. From 1807 to 1814, this species of force was frequently appealed to in our difficulties with Great Britain. The act of the 3d July, 1812, passed about a week before the other act referred to; the old republican party who voted for the war voting for it, and the federal party, who, voting against all the war measures, of course voted against it. In the ordinary course of militia organization, the companies, battalions, regiments, brigades, and divisions, were all officered complete under the laws of the States; and in his State (South Carolina) they had recently taken some pains in their organization. But who was to command this force? Could the Governor call out one of these brigadiers to take command of a force raised partly out of his brigade, and partly out of other brigades? He could not do it; and, without calling on the State Legislatures, their system could not be altered. For one, he would make no invidious distinction between a commission signed by George McDuffie and one signed by Andrew Jackson. But if 80 or 100 men went beyond the boundary of the States, he would prefer their officers being appointed by the President.

Mr. BUCHANAN said he could not now but hope, after

having heard the observations of the Senator from South Carolina, [Mr. CALHOUN,] that a committee of conference might yet agree upon some compromise which would be acceptable to both Houses. He now believed, from what he had just heard from several members of the other House, that another committee ought to be appointed. The Senator from South Carolina had not, he believed, denied any of the positions which he had stated. They did not materially differ as to their constitutional views on this subject. His (Mr. B's) positions were these: that any number of individuals within the States might associate together, either in companies, battalions, or divisions, for the purpose of entering the army of the United States, for six or for twelve months, upon any contingency which might render their services necessary; that these associations would be voluntary, and not compulsory; and would be held together by no tie but that sense of honor which binds a man to enter the service of his country, after he has declared, in the presence of the world, that such was his determination; and that these volunteers, after having arrived at the place of rendezvous, and after having been mustered into service, but not before, became a part of the regular army of the UnitedStates; and the President could then, by and with the advice and consent of the Senate, appoint their officers. At one period of the conference, he had believed that the committee would arrive at these conclusions.

One of the objections of the Senator from South Carolina was, that the appointment of the captains of companies and other inferior officers ought, like that of the superior officers, to be submitted to the Senate. Mr. B. had been perfectly willing, and was still willing, to adopt this modification. He could not, however, agree, nor did he understand the gentleman now to insist upon it, that these offices could not be filled without the previous advice of the Senate. Such a provision would render the law perfectly nugatory. We might not, and probably would not, be in session when these appointments must be made. The same necessity which the gentleman alleges to have existed during the late war, for authorizing the President to make appointments during the recess of the Senate, will exist in regard to the appointments to be made under this act. Besides, whatever might be our opinion in regard to the power of the President, if the question were now, for the first time, submitted to us, Congress have so often authorized him to make appointments during the recess, to be submitted to the Senate at its next session, that this constitutional question must be considered as settled.

As to the act of 1812, which had just been cited by the other Senator from South Carolina, [Mr. PRESTON,] he thought it went too far. He would not say that it was unconstitutional, because he had not examined the subject sufficiently to express a positive opinion. This he would say, however, that it did authorize the exist ence of a dormant military force within the several States, commanded by officers appointed by the President of the United States, and liable to be called into service at any moment he might think proper. The individuals composing this force were exempted from militia duty within the States. Upon the principles contained in this act, the militia of the several States might be subverted, and a national militia, under the command of national officers, might be substituted in its stead. This would certainly be at war with the spirit of the constitution, which reserves to the States respectively the appointment of the officers of the militia, and the authority of training them according to the discipline prescribed by Congress. The militia emphatically belongs to the States, and not to the general Government; and it might be very dangerous for the States to surrender their control over this force into the hands of Congress.

Under the act cited by the gentleman, a portion of the militia was taken from the control of the States, and relieved from the performance of militia duty, whilst they remained in the heart of the country, mixed up with the other citizens. This did seem to him to interfere with the power of the States over their militia, contrary to the provisions of the constitution. But these objections did not apply to the bill before them, nor to the amendment he had suggested. They had drawn a broad line of separation between the force to be raised and the militia of the States. What they proposed was, that these volunteers should associate themselves together for the purpose of offering their services to their country, and that, when they arrived at their places of rendezvous, they should enrol themselves, and be mustered into service as a part of the regular army; but, until then, that they should remain as they were, citizens of the several States, liable to the performance of the militia duty of the States. With these views, he was confident that a new committee of conference might come to such an agreement as would be acceptable to both Houses, and he therefore hoped that one would be appointed. He was almost ashamed to say that he had never acquainted himself sufficiently with the rules which governed the proceedings of a committee of conference. His common sense, however, had taught him that it was the duty of such a committee to confine itself to the point of disagreement between the two Houses; but he had been informed by gentlemen of great experience that the whole subject of the bill was open to them. Acting upon this principle, they had got into a general discussion as to the relative value of volunteer and regular, as well as common militia forces. He believed now that a committee of conference might do some good, and that, by steering clear of the constitutional scruples of gentlemen, they might agree on some amendments that would render the bill acceptable to both Houses, and thus enable them speedily to adopt a measure so urgently demanded for the protection of the suffering inhabitants of the frontiers.

Mr. B. said, as he should not be a member of the new committee of conference, he would read the amendment which had been so much discussed in the old committee.

"*Be it enacted*, That the said volunteers shall form themselves into companies, and designate their company officers, who, if he approve of such designations, shall be commissioned by the President, after they shall have been mustered into service; and that the President be, and hereby is, authorized to organize the volunteers so mustered into service, as aforesaid, into battalions, squadrons, regiments, brigades, and divisions, as soon as the number of volunteers shall render such organization, in his judgment, expedient; and shall then appoint the necessary officers; which appointment shall be submitted to the Senate at its next session."

Mr. LEIGH said the bill, as it came from the other House, provided that the President be authorized to accept the service of ten thousand volunteers; and the committee finding no provision for appointing field and staff officers, provided that the President should appoint them. In most of the States there were corps of men called volunteers; and what struck him was, that it was these volunteer companies that were excepted, and that the first provision required that the companies should be officered by the States. But the greatest difficulty that struck him was, that when companies were some from one State, and some from another, in forming the battalions, who was to appoint the officers of such battalions? And so in the case of regiments, brigades, and divisions. He contended that the only mark of distinction between volunteers and regulars was, that one received the bounty, and the other did not. As to the character of the force, the length of the term of service was of no consequence.

It was a voluntary enlistment in both cases—the one with, and the other without, the bounty; and they ought to be commissioned in the same way as the commissions were issued for the regular army. But the greatest difficulty, in his mind, was in taking a body of men out of the militia, and keeping them subject to the control of the President.

Mr. WEBSTER said the first proposition to be considered was, that the militia belonged to the States, who had the exclusive right to organize and train them; there was no other militia known to the constitution. The militia, therefore, was the militia of the States, there being no such thing as a national militia known to the constitution. If they were to say that there should be men enrolled and officered by the Government, liable to be called into service at its pleasure, that would be a national militia, which he supposed no gentleman contemplated. By the constitution, they might raise an army, and, on a sudden emergency, call on the States to furnish military aid by their militia. In the first ten years of the Government, a law was passed under their difficulties with France, authorizing the President, should circumstances render it necessary, to raise a provisional force; and the act went on to provide that, when raised and organized, this force should be subject to the rules and articles of war. There might then be a provisional army, as well as a regular army. He had no idea that any man could be in the military service of the United States, but in one or the other of the two characters—a member of the regular army, or a militiaman, called into service in the constitutional way. He would be the last man to agree that there should be an organized, unemployed force scattered through the country, liable to be called into service at the pleasure of the Executive; but for a short service it seemed to him that they might accomplish the object by providing that the men should have the privilege of electing their own officers, such elections to be approved of and confirmed by the President. It was with these views, and to render it more in conformity to the general ideas of a volunteer force, that he had made this suggestion when the bill was before them a few days ago. He had simply made the proposition, leaving it to wiser heads than his own to determine the manner in which it should be carried into effect.

Mr. CALHOUN stated his impressions in reference to that amendment; and, as he understood it, the members of the committee who voted for the amendment, voted for it as preferable to the bill of the Senate. The question was put distinctly, whether they would prefer their own bill of the Senate, or the bill as amended by the Senator from Pennsylvania? and they decided in favor of their own bill. The cases cited as precedents for this bill were not analogous; and by the act of July, 1812, the distinction was still broader, which was "upon the express condition of enrolling;" which, by changing the phraseology of a single word, it would read, "on the express condition of enlisting." The question was discussed in committee as to what was the condition of these men before being called into service, after their service was tendered. They were citizens; and, he would ask, could they be tried by a court-martial? The question was, simply, whether the President could enrol a number of men as an army, and leave them in the midst of the citizens? He could not bring his mind to the conclusion to consent that the officers should be appointed without the consent of the Senate. The act of the 3d of July was passed under peculiar emergencies at the very close of the session, and he could not consent to recognise it as a general precedent.

After some further remarks from Messrs. PRESTON, CALHOUN, SOUTHARD, and WEBSTER,

The question was taken, and the Senate determined to insist on its amendment, and to ask for another conference; and, on balloting for a committee on the part of the Senate, Messrs. CALHOUN, KING of Alabama, and NICHOLAS, were chosen.

On motion of Mr. WHITE, the Senate proceeded to the consideration of executive business; after which, it adjourned.

SATURDAY, MAY 21.

DISTRICT BANKS.

Mr. KENT moved to take up the bill to recharter the banks of the District of Columbia.

Mr. BENTON said he should oppose the taking up any measure whatever, except a defence or appropriation bill, till the fortification bill was disposed of; and he therefore asked for the yeas and nays on the motion of the Senator from Maryland.

The yeas and nays having been accordingly ordered, the question was taken, and decided in the negative—yeas 16, nays 16; the Chair giving the casting vote.

FORTIFICATION BILL.

On motion of Mr. LINN, the bill making appropriations for the purchase of sites, the collection of materials, and for the commencement of certain fortifications, was taken up; the question being on Mr. BENTON's amendment, as modified by Mr. PRESTON, to strike out $101,000 for fortifications at Penobscot, and insert "for fortifications at Penobscot bay, $75,000 per annum for two years."

Mr. BENTON said the immediate question before the Senate related to the prospective appropriations; the appropriations for two or more years at once, for carrying on the fortifications. He had moved amendments to this effect, in pursuance of instructions from the Military Committee; and the committee had acted under the recommendation of the Secretary of War, (Mr. Cass.) Personally, he (Mr. B.) would wish to make all the provisions of the bill acceptable to those who were favorable to its general object, and should be sorry that any such should be alienated from the bill by the proposed amendment. He would go far to keep it in a form that should be acceptable to them; but there was one class of objectors to this form of appropriation, to whose conscientious and constitutional scruples he could not defer, and whom he held to be estopped—if he might use a law term—by their own act, and forever barred from setting up this objection; he alluded to the distributors of the revenue—to the gentlemen who, at former sessions, and at the present one, had voted for five years appropriations at once, of what was called the proceeds of the public lands. To the scruples of these gentlemen he could not defer, and with their objections he could have no compromise; for he could not comprehend the train of reasoning by which gentlemen could bring themselves to balk at small and limited appropriations for two years, for objects named in the constitution, after having voted indefinite millions for five years for a purpose not named, not thought of, not dreamed of, in the constitution, nor heard of until forty years after that instrument was formed.

There was nothing in the constitution against this prospective appropriation for building the forts; on the contrary, there was a clear implication in its favor. There was a limitation against extended appropriations for the support of armies; but that was founded upon a reason peculiar to armies—a reason which could have no application to the construction of forts; and, if it did, would not militate against the proposed appropriations, but would sanction them; for two years was the limit upon the army appropriations, and two years is the extent of the proposed appropriations for the fortifications. So far as the constitution was concerned, the argument,

then, is in favor of the measure; and, so far as reason and propriety are concerned, and the practice of the Government has gone, the argument is entirely in its favor. When the appropriation is made for two years together, the work continues without interruption during the winter; and the winter is the time to advance with this kind of work, and that both in the North and in the South. In the South, it is the season of doing the work; in the North, it is the season for collecting materials and making contracts. The practice of Congress sanctions this mode of appropriations. The annual appropriation of $200,000 for arming the militia is one instance, and has stood for thirty or forty years. The appropriation of a million a year, for eight years, in 1816, for the gradual increase of the navy, is another instance; and these appropriations, though made for a term of years, are always under the control of Congress, and may be reduced or discontinued when it pleases. Of this, the naval appropriation was a signal instance; for the million per annum voted in 1816, when the Treasury was full, was reduced to half a million in 1821, when it was empty.

Independent of these general and permanent reasons in favor of double appropriations for forts, Mr. B. said there were special and peculiar reasons for them at this time. We were now going on two years without money for this object. The present year might be considered as lost. The length of time which the bill had been delayed, and the time that it might yet be delayed, extinguished the hope of doing much work this year. It was rather for the next year than the present that he was attempting to provide; or, to speak more accurately, it was for the winter of 1836-'37, and for the spring of 1837, that he was attempting to get an appropriation. It was to prevent the stoppage of the works at the end of this year, and a new delay of three or four months next spring, that he was now struggling; for every person knew that the appropriations for the year 1837 will not be made until the third day of March; after which, time would be necessary to advertise for work and materials, to collect hands, and to allow a reasonable period for competition among bidders, which economy required.

Mr. B. could not take leave of this part of the subject without recurring to the opinions of the Secretary of War, notwithstanding the singular fate which seemed to attend that gentleman's reports and recommendations. All Senators praised them. Both sides of the chamber united in applauding them. There seemed to be an emulation of applause in favor of all that he said; but the moment we come to action, the scene shifts. The moment we want a vote, there is a division; one side is off. The opposition gentlemen are against the vote; they array their deeds against their words; and, having given their applause, they withhold their help. This had been witnessed on many occasions besides the present one; still he would make the experiment again, and try the Secretary's recommendation on the particular point now under consideration. Mr. B. then read from the Secretary's report of April 8th:

"I think that, when the plan of a work has been approved by Congress, and its construction authorized, the whole appropriation should be made at once, to be drawn from the Treasury in annual instalments, to be fixed by the law. This mode of appropriation would remedy much of the inconvenience which has been felt for years in this branch of the public service. The uncertainty respecting the appropriations annually deranges the business; and the delay which biennially takes place in the passage of the necessary law, reduces the alternate season of operations to a comparatively short period. An exact inquiry into the effect which the present system of making the appropriations has had upon the expense of the works, would probably exhibit an amount far greater than is generally anticipated."

Mr. B. then turned to another part of his subject, and claimed the benefit of an ancient maxim which inculcates the wholesome advice, to wonder at nothing! He was greatly addicted to that maxim, and acted upon it both from habit and from reason. It was good for him that he did so; otherwise, he should be seized with a paroxysm of wonder at the present moment. For what more wonderful than the contradictory exhibitions upon fortifications which this chamber and this session display? Two months ago, it was a question of sharp debate to know who had occasioned the loss of the fortification bill at the last session; and both sides of the chamber, repulsing the blame from themselves, and throwing it on their adversaries, contended for the palm of pre-eminence to devotion to fortifications. Then came certain resolutions of his own, importing that the surplus revenue ought to be set apart as a conservative fund, sacred to the defence of the country, until all defences, military and naval, were on the scale of strength and respectability which the honor and independence of a great people required. On the discussion of these resolutions, he found himself left behind by opposition gentlemen. They darted ahead of him! They went beyond the surplus! They plunged into the integral revenue! Nothing would content their incontinent zeal, but a resolve to pledge all the revenue, and taxes besides, if necessary, to this great object; and so the vote passed, and that unanimously. This was in March, about two months ago; and now, when we come forward with a list of a few forts—twelve small ones at points of acknowledged importance—and want a small part of that mass of money in the Treasury, the magnitude of which is so afflicting to gentlemen, behold there is a decided opposition to the scheme! A systematic opposition is displayed: some objecting to forts altogether; others to those in this bill; others to those not in it; others, again, agreeing to forts in the abstract, but refusing to take them in any form in which they can be presented. This was the singular exhibition which would excite his wonder, if he permitted himself to wonder at any thing. But he did not so permit himself, and less on this occasion than any other; for he saw and knew perfectly well the cause and source of this whole contradiction. It was the division of the money in the Treasury which was at the bottom of all! That division—that fatal scheme of dividing money—which was now delaying, obstructing, and defeating so many measures for the good of the country; and this one among others! It was a conflict between distribution and defence; it was a contest between antagonist schemes—between the schemes of taking the public money for the defence of the country, and taking it for spoil and distribution among political partisans.

Mr. B. wished to fix the attention of the Senate and of the country upon the true nature of this contest; for it was portentous and alarming when a contest of such a nature could be got up, and much more when it could be maintained in the Senate. What was the true nature of this contest for the application of the public money? and what was the relative merit of the two schemes? Defence is an object known to the constitution; and not only known to, but is the first and highest object of the confederacy. To establish the common defence—to enable all to give that defence to each which no one could give to itself—was the first and paramount object of the confederacy. The means of accomplishing that object, are set forth by name in the constitution—navies, armies, forts, arsenals, docks, and all the accessories of military and naval power. Congress is the instrument designated by the constitution to provide these means for the purpose of accomplishing the great object; and for this purpose has power to raise money by loans or

taxes. This is the aspect under which the defence scheme presents itself to the Senate. Under what aspect does the distribution scheme come forth? Without name or warrant in the constitution! Nowhere can the name of the land bill be found in that instrument; nowhere can a word be found which by any construction—by any interpretation—by any torture of the sense—can be made to countenance the idea of distribution, or any rule by which to make it. Authority is given in the constitution to raise money for the common defence; and fortifications are one of the means of defence specified in the constitution; yet this unconstitutional scheme of distribution now contends with the first object of the constitution; it contends with the means of establishing the common defence, and, so far as the Senate is concerned, it contends successfully and victoriously. Defence is delayed, diminished, beaten off, trampled down in the Senate; while distribution, triumphant and exulting, has long since floated through. Yes, sir, distribution—distribution—distribution, is the absorbing and predominant feeling in the Senate. All other feelings seem to be shut out. Florida overrun with the Indians; Georgia and Alabama reeking with blood and resounding with cries; the whole West and Northwest destitute of troops, and open to Indian incursion; the ranks of the army empty; fortifications stopped for two years; the ordinary appropriation bills delayed beyond all example; voluntary movements of the people everywhere to protect themselves from danger; yet the Senate, the American Senate, deaf and blind to all, can see nothing, can hear nothing, can talk of nothing, can dream of nothing, but the division of the spoil. The surplus, the surplus, the surplus, is the engrossing theme; and the moment a dollar is proposed for the service of the country, they cry out for their dear beloved surplus! and call it a war upon the surplus, and a wicked design to lessen the fund for distribution!

Mr. B. said that he had taken occasion a month ago, when the defence bills were postponed to make room for the passage of the distribution bill, to announce its future fate, and to claim for that scheme the distinction of the most odious notoriety that ever befell any bill which had received the sanction of the Senate. That judgment was in a rapid state of verification; and as far as public sentiment had been developed, the odious bill, with all its seductive, alluring, and tempting offers of money, was nothing but a stench in the nostrils of the people. In vain had the large dividends been figured out in numbers by our land committee, and offered to the States. All that had voted had scornfully rejected the wretched seduction. In vain has the exaggerated sum of $1,765,554 been proffered to the State of Virginia; in vain has the tempting bait of $513,472 been extended to Connecticut; in vain has $167,655 been held out to Rhode Island. The elections are over in all these States, and prove that if these States have a price, that price is not yet attained in the land bill. The elections prove that the constitution and defence of the country are superior to sordid money temptations; for in all these States the men and the party opposed to an unconstitutional, debauching, and demoralizing scheme of dividing money, and in favor of constitutional objects by constitutional means, are successful in the elections; and successful by increased majorities, and under the very guns and fire of the distribution bill; for the elections took place while the bill was impending here, while the report of the Senate's committee was circulating through the States, and while the table of distribution was exhibited to every voter, to show him how much his State was to get. In each of the States, the triumph of the constitution and of defence was gratifying and complete, and particularly in Connecticut. In that State, the Senator by Executive appointment, [Mr. NILES,] who distinguished himself by opposition to the bill, is confirmed in his place by a legislative election and an overwhelming majority. The Governor of that State (Mr. Edwards) also received a triumphant majority, and in his message to the Legislature has spoken upon this subject with so much wisdom and patriotism, that he (Mr. B.) could not deny himself the gratification of reading the passage to the Senate.

"It appears that there is an unprecedented accumulation of funds in the United States Treasury; and this circumstance has given rise to various speculations and plans for its distribution. The present, in this respect, is a novel state of things. Never before, since the establishment of our Government, could it be said that we were out of debt, and had at command more money than we felt immediate occasion for. We have had a debt hanging at times rather heavily upon us, and we have been compelled by it to limit all our views and all our expenditures. At the close of the last war a military peace establishment was arranged; and such a force, and such only, was retained, as the exigencies of the country were supposed to require. Military works were projected for our defence, and the erection of them commenced. The state of the Treasury soon became such, that a reduction of the peace establishment was deemed necessary, and the expenditures for the fortifications were curtailed.

"The common defence was the principal object of our confederacy, and for this the United States are bound to provide; and this is a work which should be entered upon, and completed, with as little delay as possible. The sufferings of the last war are not yet forgotten, and should not be obliterated from our memories until ample provision is made for their recurrence. Our sounds, our bays, our rivers, and even many of our harbors, were destitute of the means of defence. Nearly the whole of our seaboard was exposed to the ravages of the enemy, and we suffered much from their depredations, and still more from the constant state of alarm and agitation in which we were kept. When the United States Government has fulfilled its office and duty with respect to national defence and all other things within its province, it is time enough to talk of some other disposition of the public revenue; but, until this is accomplished, projects on this subject are, to say the least, premature."

These (said Mr. B.) are wise and patriotic sentiments; they are constitutional doctrines; they deserve applause and imitation. They soar above all sordid and mercenary considerations. They repulse the gilded bait. They despise the seduction of money. They go for the country and the constitution; they scorn the unconstitutional distribution bill, and its tempting array of dollars and cents. Yes! Virginia refuses the $1,765,554; Connecticut refuses the $513,472; Rhode Island refuses the $167,655; and when other States come to vote, let them contemplate and imitate the elevated, constitutional, patriotic, and wise course of these States.

Having shown that the distribution bill was at the bottom of all the opposition to the fortification bill, and all the other bills for the service of the country, Mr. B. proceeded to take a brief view of the particular bill before the Senate, and of the objections to it. He said that every work proposed in the bill was contained in the reports of the board of engineers for 1821 and 1826, and was, besides, especially recommended by the present Secretary of War. Mr. B. here referred to those reports of the board of engineers as recommended to Congress by the Secretary of War in 1821, [Mr. CALHOUN,] and showed that they were not only necessary works, but small ones; the whole twelve proposed in the bill not amounting to $3,000,000, while two only of those forts heretofore constructed cost nearly $4,000,000. He alluded to Fort Monroe and Fort Calhoun in the Chesapeake bay. The former of these was estimated to cost

$1,259,792; it is not yet finished, and has cost $1,739,046, and it is estimated to cost $210,000 more. The latter was estimated to cost $904,355; it has already cost $1,388,731, and it is estimated will yet cost $531,188 to finish it. Here are about four millions of dollars for two forts, and these two in the neighborhood of each other; while the sum of three millions for twelve, scattered from Passamaquoddy bay to the mouth of the Mississippi, has been resisted for so many months.

Mr. B. reviewed the objections which were made to this appropriation. It was said the money could not be expended if it was voted, and he was sorry to have to admit that this was an objection which gentlemen seemed to have it in their own power to make good. The year was certainly half gone, and, if gentlemen can have their way, it will be weeks or months yet before a dollar for fortifications can be voted, if at all. It will be autumn before the work can begin; but in the South the work will proceed all the winter; and in the North the winter is the time for collecting materials. If the bill was delayed till the year was half gone, it was the fault of the opposition, and gentlemen cannot be permitted to take advantage of their own wrong. They cannot now be allowed to plead the delay to defeat the bill, which delay they have themselves occasioned.

It is said there are not engineers enough to superintend the works; but the answer was ready to that objection. A bill had long since passed the Senate to increase the corps of engineers; that bill was now in the House of Representatives, and it was to be presumed that the House would do what the service of the country required, and not suffer necessary defences to be lost for want of officers to superintend them. The Secretary of War earnestly recommends it, not only with a view to the new works, but because an increase of the corps is necessary for the performance of their current duties. Here is his recommendation.

"That the corps of engineers should be increased. The reasons for this measure have been heretofore submitted, and the proposition has been recommended by you to Congress. I will merely add, upon the present occasion, that the officers of this corps are not sufficiently numerous for the performance of the duties committed to them; and that, if an augmentation does not take place, the public interest will suffer in a degree far beyond the value of any pecuniary consideration connected with this increase."

It is objected that men of science in engineering cannot be created by a bill. That is granted. They cannot be created by a mere act. But, in constructing fortifications, a few skilful engineers are sufficient—a few to locate and plan the works. The superintendence of the execution requires fidelity and attention, with such knowledge as is readily obtained. With respect to locations for forts, they have been nearly all selected; all in this bill were selected fifteen years ago; are detailed in the report of the board of engineers for 1821—the same which the then Secretary of War [Mr. CALHOUN] recommended to Congress.

It is objected that we have not plans and estimates for all these works; but I answer, that there are plans and detailed estimates for most of them, and conjectural estimates for the remainder, with the statement of the number of guns they would require; which is the only essential part of the estimate, for the number of guns governs every thing else; it governs the size of the fort, the number of the men to garrison it, and consequently the whole expense.

Mr. B. said the question of fortifying a port was partly a political question, to be decided by Congress; partly a military one, to be decided by professional men. Congress decides whether the place is sufficiently important to merit national defence; military men decide whether it can be defended; and, if so, by how many guns; of what calibre, and how to be placed. Each must decide within their sphere; and when the number of guns is given which will defend a place, the cost of the fort is, for all practical purposes, ascertained. Now, in all these cases, the number of guns and their calibre is given; that decides the size of the fort, for each gun, according to its calibre, must have so many feet for its platform and so many men to work it—from five to seven in time of seige; in time of peace, enough only to keep the fort.

Mr. B. said an excessive and overwrought anxiety had been displayed here for plans and estimates, as if they were the most infallible and unerring guides upon earth. Nothing, he said, could be more mistaken. The estimates heretofore furnished, and that by the board of engineers under the administration of Mr. Monroe, when the Senator from South Carolina [Mr. CALHOUN] was Secretary of War, were generally and exceedingly erroneous. Out of eleven forts constructed upon those estimates, and thirteen more in a course of construction, not one had kept within the estimate; not a fort had been built for what it had been estimated to cost; but generally a quarter more, or in some instances half as much more; and sometimes double as much. Nothing had kept within the estimate but two little works, not forts—a battery at Bienvenu, and a tower at Bayou Dupre, Louisiana. Mr. B. then turned to Senate Document, No. 203, of this session, pages 12 and 13, to verify this statement; and read the list of forts, and the cost of their construction, which had been finished, or were still under construction. The following is the list:

Statement of the forts on the seaboard of the United States under construction.

Names and where located.	Original estimate.	Cost of construction.	Cost to finish.
Fort Independence, Boston harbor, -	$255,575	$52,723	$202,852
Fort Warren, George's island, Boston harbor,	800,000	104,586	695,414
Fort Adams, Newport, Rhode Island, -	730,166	962,369	350,000
Fort Schuyler, Throg's neck, New York, -	577,000	66,822	510,178
Fort Columbus and other works on Governor's island, N. Y.,	–	157,769	20,000
Fort Delaware, Delaware river, - -	–	107,136	
Fort Monroe, Virginia,	1,259,792	1,739,046	210,000
Fort Calhoun, Virginia,	904,355	1,388,731	531,188
Fort Caswell, Oak island, North Carolina, - - -	119,000	411,485	60,000
Fortifications, harbor of Charleston, South Carolina, - -	–	324,426	500,000
Fort Pulaski, Cockspur island, Georgia,	375,000	286,184	246,183
Fort Pickens, Pensacola, Florida, -	4 65,300	629,283	50,000
Fort on Foster's Bank, Florida, - -	163,343	75,189	160,000
Total dollars,	5,649,531	6,305,749	3,535,815

Statement of forts which are finished on the seaboard of the United States.

Number.	Name and where located.	Estimate by the board.	Cost of construction.
1	Fort Hamilton, New York harbor,	$425,000	$479,239
2	Fort Lafayette, New York harbor,	-	318,305
3	Fort Washington, Potomac river, Maryland,	-	454,103
4	Fort Macon, North Carolina,	175,000	349,384
5	Castle Pinckney, South Carolina,		
6	Fort Morgan, Alabama,	693,292	1,026,777
7	Fort Pike, the Rigolets, Louisiana,	264,517	314,597
8	Fort Wood, Louisiana,	264,517	378,642
9	Fort Jackson, Louisiana,	392,927	638,766
10	Battery Bienvenu, Louisiana,	94,582	96,447
11	Tower at Bayou Dupre, Louisiana,	16,677	16,677

After this exhibition, Mr. B. hoped that there would be less pertinacity about these plans and estimates. He believed the conjectural estimates, made by the engineer department, and founded upon the number of guns, to be as safe a guide as the detailed estimate, founded upon calculations made by the engineer board; for, in one case, there was a judgment upon the whole, founded upon the size of the work and the cost of labor and materials at the place; in the other, there was an arithmetical calculation, founded upon assumed data, and in which the smallest error in the basis of calculation led to great errors in the result. Finally, Mr. B. had one further view to present of the utility of these famous estimates, which he hoped would give the quietus to these incessant demands for them; it was this: that we made no use of the plans and estimates which we have! We do not look at them! We do not call for them! We do not mention them! We do not allude to them! In every case in which we have the plans and estimates for the fort, no call is made for it! In the few instances in which there are none, an incessant cry is set up for them! Now, why not use those that we have? Simply because it would be of no use to do so! Because no practical benefit could flow from it. What is a plan? Nothing but a diagram on paper—a figure of sides and angles—with dots and marks for guns and batteries. Very pretty to look at; but which no legislator can remark upon, or criticise, or in any way presume to alter. None but professional men, and they upon the spot, could presume to give an opinion upon the plan of a fort; and, therefore, it was useless for Congress to view the plan. The number of guns was the essential thing for them to know; for that governed every thing else, and enabled them to say whether they would defend the place or not.

Mr. B. said the fortifications seemed to have a hard fate, and to be incapable of being brought forward at any time, or in any form, to escape opposition. At the last session, the three million appropriation was lost because it was not specific, and because it was not officially recommended by the President; now, the appropriations for the same object are opposed again, and by the same gentlemen, although they are specific and are recommended by the President. The President has expressly recommended these works, and that in writing. The Secretary of War has also recommended them, and that in repeated instances. Here is his latest recommendation, in his report of April 8th:

"There are two bills for fortifications now pending before Congress. One, before the House, amounting to $2,180,000, and intended to prosecute works already actually commenced. The estimates for this bill may therefore be considered necessary in themselves, under any view of the general subject, and not unreasonable in amount for the present year, because they include the operations of two years. The incidental expenses, however, may be safely reduced one-half, as it will not be necessary to make such extensive repairs as were considered requisite when the estimates were prepared.

"The bill pending before the Senate contains appropriations for nineteen new works, and for the sum of $600,000 to be expended for steam-batteries. The estimates on which this bill was founded were prepared at a time when prudence required that arrangements should be made for a different state of things from that which now exists. An examination of the general system of defence was not then expedient; and the means of protecting the most exposed points, agreeably to information previously collected, was asked of Congress. It was no time then to stop, and, instead of prosecuting established plans vigorously, to lose the period of action by surveys, and examinations, and discussions. But the opportunity is now afforded, without danger to the public interest, of applying the principles suggested to the works under consideration.

"It cannot be doubted but that fortifications at the following places, enumerated in this bill, will be necessary:

"At Penobscot bay, for the protection of Bangor, &c.
"At Kennebec river.
"At Portland.
"At Portsmouth.
"At Salem.
"At New Bedford.
"At New London.
"Upon Staten island.
"At Soller's flats.
"A redoubt on Federal point.
"For the Barrancas
"For Fort St. Philip.

"These proposed works all command the approach to places sufficiently important to justify their construction under any circumstances that will probably exist. I think, therefore, that the public interest would be promoted by the passage of the necessary appropriations for them. As soon as these are made, such of the positions as may appear to require it can be examined, and the form and extent of the works adapted to existing circumstances, if any change be desirable. The construction of those not needing examination can commence immediately, and that of the others, as soon as the plans are determined upon. By this proceeding, therefore, a season may be saved in the operations."

Another objection to forts is, that they are to lead to a standing army in time of peace. Nothing can be more erroneous. A few regulars to keep them in order in time of peace, is all that is wanting; in war, they are expressly intended to be garrisoned by militia and volunteers. The body of the garrison is to be the yeomanry of the country, with a few artillerists and regulars. The peculiar recommendation of forts in our country is their adaptation to defence by militia and volunteers; and upon that ground they have been constantly advocated and defended. It is a panic at nothing, to take fright at a standing army, thus conjured up to defeat the bill. It is to dispense with regulars, and to provide positions for the yeomanry to defend, that forts are wanted in our country.

Mr. B. wished to impress upon the Senate that the

forts proposed in this bill were but a continuation of a system commenced forty years ago, recommended under every administration, and partly executed. The limitations proposed by the Secretary of War, and approved by the President, would affect the size of some of the large forts, but would not much diminish their number. Forts in open roadsteads are objected to; forts of large size are objected to, on account of their size. In this, the President and Secretary strike the main objection which was taken to the system of fortifications fifteen years ago by those who were then styled radicals. Fort Monroe covers sixty-four acres of ground; it covers nearly as much ground, and costs nearly as much money, as the twelve forts put together, which are contained in this bill. Fort Calhoun, built near it, is nearly as large; the two together cost nearly four millions of dollars. They were objected to fifteen years ago by those who were then stigmatized as radicals; they are objected to now by the President and Secretary of War, and everybody applauds the objection. No more such are proposed. No more such will be built on this continent, though a powerful fort will be wanted at Key West, or the Dry Tortugas. The forts proposed in the bill, and those which will be proposed hereafter, are the moderate sized works contended for by the reproached radicals, in 1821, and applauded now by everybody.

Mr. B. read an extract from the message of Governor Everett of Massachusetts to the General Assembly of that State, at its last session, and relied upon it, not only to sustain the propriety of erecting some of the forts enumerated in the bill, but also to show the necessity of early appropriations, and to make it manifest that the public service had already suffered by the delay which had taken place. The following is the extract read:

"In the course of the last winter, resolutions were adopted by the Legislature, instructing our Senators and requesting our Representatives in Congress to use all proper means to obtain the requisite appropriations for the repair of the fortification on Castle island, and the vigorous prosecution of the works commenced on George's island, in Boston harbor. Their exertions were so far successful, that the requisite appropriations introduced into the fortification bill, in the Senate of the United States, by way of amendment, received the sanction of the committees of the other branch of Congress to which they were referred, and passed through all but the last stage of legislation in the House of Representatives. The entire bill was unfortunately lost, in consequence of the introduction of another amendment in the House of Representatives, on which the two Houses disagreed. Notwithstanding the failure of the new appropriations, some progress was made on both the works, particularly on that upon George's island, during the past season, by means of the unexpended balance of the appropriations of the year 1834. I have the satisfaction to inform you, that, for the present year, large appropriations have been recommended for both objects by the Department of War. The rapid progress of these works is of extreme importance; and it is much to be desired that the appropriations should be so early made, as to prevent the loss of some of the best months in the season, which frequently occurs, in this branch of the public service, in consequence of the delay in the passage of the appropriation bills. Among the documents accompanying the report from the War Department, at the commencement of the present session of Congress, is a statement of several new works, proposed by the board of engineers, for the defence of the coast, and arranged in different classes, according to their importance. Among those of 'the first class, to be commenced as soon as possible,' I notice, with great satisfaction, five or six works, which, when executed, will complete the defences of Boston harbor; a part of the seaboard second to no other in importance, and hitherto almost wholly neglected by the general Government."

Mr. B. deprecated the sectional tone which had pervaded a part of this debate. It seemed to be supposed that the North was to be benefited, and the South neglected. Not so the fact. The forts heretofore erected were principally in the South; and of those proposed, the South had—he would not say her share, for this was not a case for dividing out shares, but for extending defence wherever it was needed; and the South was attended to, to the full extent of its need. Besides five forts finished in the delta of the Mississippi, and a superb one in Alabama, costing about a million of dollars, there were others intended at Lake Barrataria, and on the Mississippi, at Mobile bay, Perdido bay, Pensacola bay, St. Rosa's bay, St. Joseph's bay, Apalache bay, Apalachicola bay, Espiritu Sancto bay, Charlotte harbor, Key West, and the Dry Tortugas, making near a dozen works, and costing, by estimate, near six millions of dollars; and all for the security of western commerce; all for the protection of the commerce of the western States, which, passing out of the mouth of the Mississippi, must go through the Gulf of Mexico, and pass between Key West, through a narrow passage, before it could reach the great ocean. Every fort built on the Gulf of Mexico, Mr. B. said, was a western fort; a fort for the benefit of the western States, just as much so as the forts in the Chesapeake bay were for the defence of Maryland and Virginia. Turning on the other side of the peninsula of Florida, it would be seen that the extreme southern coast was not neglected. Georgia was well attended to. Besides the fort now under construction on Cockspur island, estimated by the board of engineers to cost $375,000, and which has cost thus far $290,000, and is expected to cost $240,000 more—besides this fine fort, other works are proposed in the Savannah river, and along the coast, at Ossabaw sound, St. Catharine's sound, Sapelo sound, Dolby inlet, Altamaha sound, St. Simon's sound, St. Andrew's sound, Cumberland sound, to St. Augustine in Florida—mostly small works, estimated to cost nearly two millions of dollars. Continuing the view to Baltimore, and Mr. B. said it would be found that more money had been, and would be, expended on forts to the south, than to the north of that point; but the comparison was absurd, and he would not continue it. Defence was not to be proportioned out, but to be given where it was needed, without regard to lines or latitudes.

Mr. B. deprecated also the extravagant manner of opposing this bill, as a plan to line the whole coast with batteries—as a plan to shut out a foreign army from landing at any point—as a plan to raise a great standing army. All this he treated as panical, and intended to frighten weak nerves and weaker heads. The forts proposed were small in extent—confined to the defence of cities—were to be manned by a few artillerists in time of peace, and were to look to the militia and volunteers for their main garrisons in time of war. He showed the necessity of forts to prevent cities from being sacked, plundered, and bombarded; and the folly of depending upon men alone, no matter how brave, with muskets and rifles in their hands, to defend a city against thirty-six inch bombs, flying four thousand yards through the air, and bursting with a bushel of fire and shot among the dwellings of the citizens. Forts to keep off fleets and cruisers could alone do this.

But it was not to defend cities only that forts were wanting. They were needed to cover navy yards and dock yards, and to serve as places of refuge to the military and commercial marine of the country. We have a great commerce, he said, and many merchant ships; these ships must have ports of refuge, places where they can be safe from pursuit and attack. We have determined to have a navy; and that determination increases the neces-

sity for forts. Ships of war must have ports of refuge, as well as merchant vessels; they must have places where they can lie secure when pressed by superior force. All naval Powers provide places of refuge and protection for their ships, not only at home, but abroad. England, France, and Holland, are eminent examples. Why does England seize upon commanding positions all over the globe—Gibraltar, Malta, the Cape of Good Hope, Madagascar, Jamaica, and so many other places, except as naval stations, to protect her own marine and to command others in time of war? We, on the contrary, with ample means in our hands, are delaying and neglecting to establish places of refuge for our marine, even upon our own coasts, and upon that gulf, upon whose bosom, and through whose outlet between Key West and Cuba, the whole commerce of the mighty West is to float. Forts and naval stations upon that gulf are western objects, for which every western man, here or at home, should perseveringly contend.

Mr. B. concluded with his standing remark, that Congress was now in the sixth month of the session, and not a shilling voted yet for fortifications! That we were going on two years without appropriations for a single fort!

When Mr. BENTON had concluded,

Mr. SOUTHARD addressed the Senate in opposition to the bill.

Messrs. HILL and WALL severally addressed the Senate in favor of the bill; after which,

Mr. CALHOUN moved that it be laid on the table, to enable him to make a report from the committee of conference; which motion was agreed to by general consent.

CONFERENCE.

Mr. CALHOUN then, from the committee of conference appointed to confer with a similar committee of the House on the disagreeing votes of the two Houses as to the Senate's amendment to the bill authorizing the President to accept the services of ten thousand volunteers, and to raise an additional regiment of light dragoons, reported that they had had a meeting with the committee of the House of Representatives, and that they had jointly agreed to recommend an amendment to their respective Houses, in substance as follows:

The President is authorized to accept the service of volunteers, the number not exceeding ten thousand, in companies, regiments, brigades, and divisions; the officers to be commissioned in the manner prescribed by the laws of the several States from which these volunteers may offer themselves. Where regiments, brigades, or divisions volunteer, they shall be commanded by the same officers by whom they shall be commanded at the time of volunteering; and that, for volunteers offering their services in single companies, the President shall organize them into battalions, regiments, brigades, and divisions, and apportion the battalion and field officers among the States from which said companies shall come.

After some remarks from Messrs. KING, of Alabama, and CALHOUN, the report was laid on the table.

At a subsequent period of the day, a message was received from the House of Representatives by Mr. FRANKLIN, their clerk, stating that the House had adopted the report made by their committee of conference, and asked the concurrence of the Senate therein.

On motion of Mr. CALHOUN, the report and message of the House were then considered; and on the question, Shall the Senate concur in the amendment recommended by the committee of conference? it was decided in the affirmative.

FORTIFICATION BILL.

On motion of Mr. BENTON, the fortification bill was again taken up, and, after some remarks from Mr. CALHOUN in opposition to the amendment, the question was taken, and it was adopted by the following vote:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, Linn, Morris, Niles, Preston, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, Wright—20.

NAYS—Messrs. Black, Calhoun, Davis, Ewing of Ohio, Hendricks, King of Georgia, Mangum, Naudain, Nicholas, Robbins, Swift, Tomlinson, White—13.

Mr. BENTON then moved to fill the blank with $75,000, so as to make the appropriation for Penobscot for two years, $75,000 for each year; which, after some remarks from Mr. PRESTON, who thought the sum too large, was agreed to.

Mr. PRESTON then moved to strike out the appropriation of $100,000 for fortifications at Kennebec river, that being one of the places for which there were no estimates or surveys.

After some remarks in support of the motion from Messrs. CALHOUN and PRESTON, and from Mr. BENTON in opposition to it, the question was decided in the negative: Yeas 7, nays 21, as follows:

YEAS—Messrs. Calhoun, Ewing of Ohio, King of Georgia, Mangum, Preston, Robbins, White—7.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Davis, Ewing of Illinois, Grundy, Hendricks, Hill, Hubbard, King of Alabama, Linn, Morris, Nicholas, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, Wright—21.

Mr. BENTON moved further to amend the bill by striking out the appropriation of $100,000 for fortifications at Kennebec river, and inserting $100,000 for the same object for the year 1836, and $200,000 for the year 1837.

Mr. PRESTON moved that the Senate adjourn—lost: Ayes 12, noes 13.

Mr. WALL moved to amend the amendment, so as to make it read $100,000 per annum for two years; which motion was agreed to.

The question was then taken on the amendment as amended, and it was adopted: Yeas 19, nays 9, as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Grundy, Hill, Hubbard, King of Alabama, Linn, Morris, Nicholas, Niles, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, Wright—19.

NAYS—Messrs. Calhoun, Davis, Ewing of Ohio, Hendricks, King of Georgia, Mangum, Preston, Webster, White—9.

Mr. BENTON moved further to amend, by striking out the appropriation for fortifications at Portland, and inserting for the same object $75,000 per annum for two years; which motion was carried in the affirmative: Yeas 20, nays 8, as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Grundy, Hill, Hubbard, King of Alabama, Linn, Morris, Nicholas, Niles, Preston, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, Wright—20.

NAYS—Messrs. Calhoun, Davis, Ewing of Ohio, Hendricks, King of Georgia, Mangum, Webster, White—8.

Mr. PRESTON moved that the Senate adjourn—lost: Ayes 11, noes 15.

Mr. PRESTON then moved to strike out the appropriation for fortifications at Portsmouth, which motion was lost without a division.

Mr. BENTON moved further to amend the bill, by inserting in lieu of the appropriation for fortifications at Portsmouth, "for fortifications at Portsmouth, $150,000 annually, for two years."

On taking this question, it was found that there was not a quorum voting.

The following is the vote:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Grundy, Hill, Hubbard, King of Alabama, Linn, Nicholas, Niles, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, Wright—18.

NAYS—Messrs. Black, Hendricks, White—3.

Mr. DAVIS moved that the Senate adjourn—lost: Ayes 8, noes 13.

There still being no quorum,

On motion of Mr. GRUNDY,

The Senate adjourned.

MONDAY, MAY 23.

RECOGNITION OF TEXAS.

Mr. WALKER rose and said there had been forwarded to him the proceedings of a large and respectable meeting of citizens of the State of Mississippi, held at the court-house of Warren county, which he had been requested to present to the Senate. The resolutions contained in these proceedings (Mr. W. said) instructed their Representatives and requested their Senators in Congress to use their utmost endeavors to obtain from this Government the immediate recognition of the independence of Texas, stating the reasons which have induced the people of this county to urge this measure. The time had now arrived (Mr. W. believed) for action on this subject; and he therefore moved the reference of these proceedings to the Committee on Foreign Relations.

Mr. W. handed up to the table the resolutions in a printed form; upon which,

The CHAIR stated that a paper in that form could not be received; that it must be attested by the real signatures of some of the parties, or accompanied by a letter vouching for its authenticity.

Mr. WALKER said that he was himself satisfied of the authenticity of the proceedings; their having been sent in a printed form, was merely for the convenience of transmission; and that he had received a letter on the subject, but that, in consequence of its containing also matters of a private nature, he did not wish to communicate it for publication.

The CHAIR stated that the rule of the Senate was imperative on this subject.

Mr. WALKER said that if it was out of order to receive this paper, he would, in obedience to the instructions of his constituents, move the reference of the proceedings of the citizens of Cincinnati, having a similar object in view, presented some days since by the Senator from Ohio, [Mr. MORRIS.]

Mr. MORRIS did not feel disposed to take up these resolutions at this time. This was a very important question, which would, in all probability, produce some excitement in the country, and he was not prepared to act on it before it became necessary. He was not willing to take all he had heard as facts, until officially communicated. It was true, it was a glorious struggle, in which our citizens, and he among the rest, felt a deep interest; nevertheless, he did not go the length of the Senator from Mississippi, [Mr. WALKER.] He had received from the capital of his State proceedings of a meeting of highly respectable citizens, warmly espousing the cause of Texas; and he was the first to present to the Senate proceedings on this subject. The recognition of Texas involved a question which did not meet the eye, and which was beyond the mere recognition of her independence—a question that would convulse this Union from one end to the other; and the observance of prudence and caution was necessary. While there was agitation on this subject, it was not the most appropriate time for action upon it. It might have a material effect upon some portions of the country, and he therefore thought the time had not yet arrived when it was proper, in his judgment, to act.

Mr. PRESTON, with great satisfaction, tendered to his friend from Mississippi the use of the memorial on the subject of Texas presented by him some days since. It might have been supposed that he would call up this memorial himself, and he had proposed to do so this morning; but he had much rather second the views of the gentleman from Mississippi, and follow in his wake, than take the lead himself. There was much propriety in this movement coming from that quarter; the zeal and ardor which that gentleman had manifested on the subject, and the powerful interest in the affairs of Texas which his constituents had exhibited, alike qualified him to take the lead on this occasion. He was glad, for another reason, that the gentleman from Mississippi was the first to move in this business. He himself was in the minority, belonging to that party which had no control over the destinies of this country, except by repulsion; and, therefore, the motion, coming from a distinguished member of the party of the administration, would have a more powerful effect than one coming from him. It showed the strength of the cause of Texas, and indicated the feelings of the administration party in its behalf; or, if it did not indicate such feelings, it showed that a powerful current of public sentiment was urging them on. He had expected this morning to follow the lead of other Senators. He had expected that the Senator from New York would have presented a memorial on this subject from that great State, containing such a vast number of signatures as to put all others in the shade; and he had also expected that a memorial of the same nature would have been presented by the Senator from Pennsylvania.

The period had now arrived, when, if public information was not false, some action on the part of this Government would be proper. He did not mean direct and positive, but initiatory action, to put things in a course of investigation. If a tithe of that information was true, no one could question but that the domination of the President of Mexico was forever at an end. If it was true that his army was dispersed, his person captured, and the Texan army triumphant, Texas was in the situation supposed, some days since, by the Senator from Massachusetts, having a Government *de facto*, and being to all intents and purposes independent. They had, it was true, received no official confirmation of this intelligence; and therefore it was not proposed to do more than take the initiatory steps to obtain further information through the Committee on Foreign Relations; but, without overestimating the feelings of the Senator from Mississippi, he would take it for granted, that if, instead of these rumors, they had been in possession of official confirmation of the Texan victory, the gentleman would at once have laid a resolution on the table for the immediate recognition of the independence of Texas.

Mr. WALKER accepted with great pleasure the proceedings tendered him by the Senator from South Carolina, [Mr. PRESTON.]

Mr. MORRIS said he would not now object to the use of the Ohio proceedings by the Senator from Mississippi.

Mr. WALKER then moved the reference of all the proceedings and memorials in relation to Texas to the Committee on Foreign Relations. He said that his feelings had perhaps been more deeply excited than those of any other Senator, by the fact, that he attributed the death of a very near and much beloved relative, in passing through Texas immediately preceding the late struggle, to the unwarrantable proceedings of the Mexican authorities in Texas. Mr. W. said he spoke and acted on this subject upon his own responsibility, and not, as was supposed by the Senator from South Carolina, [Mr. PRESTON,] as the organ of the administration. Mr. W.

said he had no authority to represent the President's views on this subject; but that, were he to give his own opinion of those views, Mr. W. could not doubt but that, as a man, the President could not be otherwise than friendly to the cause of those who were struggling for liberty against usurpation in any quarter of the globe; that the love of liberty still glowed as warmly in the bosom of our venerated President as when in the morning of life he shed his blood in the defence of his country in the war of the Revolution; that, whatever might be the feelings of the President, as a man, he would no doubt so discharge the duties of his office as to preserve unsullied the national faith and the national honor.

If (said Mr. W.) the accounts we had received from Texas were official, he would have moved a resolution for the immediate recognition of the independence of Texas. Mr. W. believed these accounts to be true; but, as the information was unofficial, he had moved the reference of the Texas memorials to the Committee on Foreign Relations, in the expectation that they would immediately investigate the subject, and be enabled to present the facts to us in the authentic form which would justify immediate action. When South America was not yet wholly disenthralled from the power of Spain—when the scale was still balancing, and the question not yet entirely determined which should preponderate, liberty or despotism, Congress had acted upon the question of South American independence. And, at a late period, when the struggle in Greece was still progressing—when her classic soil was still the theatre of a sanguinary and doubtful conflict—when the Moslem crescent had not yet faded before the dawn of liberty—the distinguished Senator from Massachusetts had moved to accredit an agent to Greece. If we were warranted in thus acting upon that occasion, why refuse now to investigate, through the appropriate committee, the situation of affairs in Texas? The intelligence is, that a division of the Mexican army has been overthrown, and the survivors of the contest captured by the troops of Texas; that Santa Anna, the leader of the Mexican army, and the head of the Mexican Government, the very man in whose person that Government was concentrated, was also a prisoner; and that he had consented to the exaltation of Texas, and the immediate recognition of her independence. If, then, (said Mr. W.,) Texas has maintained, upon the field of battle, that declaration of independence made by her many months since—if that independence has been acknowledged by the head of the Mexican Government, and Texas evacuated by the Mexican troops—if there be now a Government *de facto* in operation in Texas, and her enemies overthrown—we must, upon the principles that have always guided our course, recognise at once the independence of Texas.

Mr. WEBSTER said that if the people of Texas had established a Government *de facto*, it was undoubtedly the duty of this Government to acknowledge their independence. The time and manner of doing so, however, were all matters proper for grave and mature consideration. He should have been better satisfied, had this matter not been moved again till all the evidence had been collected, and until they had received official information of the important events that had taken place in Texas. As this proceeding had been moved by a member of the administration party, he felt himself bound to understand that the Executive was not opposed to take the first steps now, and that in his opinion this proceeding was not dangerous or premature. Mr. W. was of opinion that it would be best not to act with precipitation. If this information was true, they would doubtless before long hear from Texas herself; for as soon as she felt that she was a country, and had a country, she would naturally present her claims to her neighbors, to be recognised as an independent nation. He did not say that it would be necessary to wait for this event, but he thought it would be discreet to do so. He would be one of the first to acknowledge the independence of Texas, on reasonable proof that she had established a Government. There were views connected with Texas which he would not now present, as it would be premature to do so; but he would observe that he had received some information from a respectable source, which turned his attention to the very significant expression used by Mr. Monroe in his message of 1822, that no European Power should ever be permitted to establish a colony on the American continent. He had no doubt that attempts would be made by some European Government to obtain a cession of Texas from the Government of Mexico.

Mr. MORRIS said that on this question he was in hopes he should be able to make himself fully understood. He explained his views of the effect of the motion of the Senator from Mississippi, [Mr. WALKER,] which he thought was premature and hasty. Mr. M. disclaimed being under Executive influence in this matter. He went with and for the people of the State he represented. It was true he respected the Executive will, when he knew it officially. But, he asked, where was the Government or the authorized agents of Texas? Those gentlemen who were here as agents, he believed, had shown no credentials from the authorities of Texas. He would go as far as any gentleman on this floor in favor of civil and religious liberty, and held that all men were born free and equal. When he acted as the humble organ of a portion of the people of this Government, he desired to act on something official. He would be prepared to act on this most important event at the proper time, and he believed that time would soon arrive. He could sympathize in the feelings of the Senator from Mississippi, [Mr. WALKER.] That Senator had reason to feel in this matter, having met with the loss of a near relative. But he ought not to suffer his judgment to be misled by the intensity of his feelings. They might, out of these walls, act in their individual capacity like men; but when acting as Senators, they should be cautious. But as the Senator from Mississippi said time would be taken for consideration by the committee, if referred to the Committee on Foreign Relations, and as that committee was an able one, he would withdraw his objection to the reference.

Mr. WALKER stated that, from the observations of the Senator from Ohio, it would seem that the gentleman supposed that his course on this occasion had been dictated by the impulses of his heart, and not by his judgment. The gentleman was deeply mistaken; for there was no one subject upon which he had more deeply reflected, and more deliberately consulted his judgment, than on the subject of Texas. At the period when the treaty was made, by which the valley of the Mississippi was dismembered, and Texas surrendered to a foreign Power—at that period, not yet having arrived at the age of manhood, and not being entitled to a vote, he had expressed his conviction against that treaty, and, by addresses in 1826 in the public papers over his own signature, had shown his opposition to that unwise and improper measure.

These were the deliberate dictates of his own judgment, before he ever had a relative in Texas, before he was a resident of a southern State, and before he ever expected to have a seat on this floor. These, he said, were not southern feelings—they were not northern feelings—no, they were the feelings which were wholly American, prompted by an ardent zeal for civil and religious liberty; and which, he trusted, would ever have influence in every American bosom. It was the

solemn and deliberate conviction of his judgment, that they should recognise the independence of Texas, whenever they were satisfied that she had an established Government. Whether they extended their jurisdiction to Texas, as he desired, or not, they should congratulate themselves that American institutions, American feelings, our freedom, our language, and our kindred race, predominated over that fair country, instead of the colored mongrel race, and barbarous tyranny, and superstitions of Mexico. They had not, it was true, received official confirmation of the glorious intelligence, which there was so much reason to credit. If they had, he would have at once laid a resolution on the table, looking to the acknowledgment of the independence of Texas; but not having received such official information, he did not propose more at present, than to take the initiatory steps of an inquiry by the appropriate committee. The Senator from Ohio referred to the agents from Texas now in this city, as being private agents only. He begged leave to tell the gentleman that they were public and accredited agents, and not the less respectable because they were once American citizens, and not less respectable than the accredited agents of the tyrant and usurper, Santa Anna. They had been told to wait till Texas had established her independence. She had established it, and was able to maintain it. By her great and glorious victory, she had her oppressor in her power, and could dictate to him what terms she pleased; and (Mr. W. said) the battle in which Santa Anna was captured was next in importance, to the civilized world, to the conflict which terminated in the surrender of Cornwallis, and would be equally decisive of the fate of an infant republic.

Mr. KING, of Alabama, was aware, from the present excited state of feeling on the subject of Texas, that every wise and prudent course would be misunderstood, and probably construed into hostility to the efforts now making by the Texans to establish a free and independent Government; but, so long as he remained a member on that floor, he would, regardless of every consideration, throw himself in opposition to all measures which he conceived were calculated to detract from the exalted character of this country for good faith and an undeviating adherence to all its treaty stipulations. He knew not whether the information received of the extraordinary successes of the Texans was to be relied on or not; he sincerely hoped it might prove true; no man here felt a deeper detestation of the bloodthirsty wretches who had cruelly butchered their defenceless prisoners, than he did; but, whether true or false, did it become wise, discreet, prudent men, bound by the strongest considerations to preserve the honor and faith of the country, to be hurried along by the effervescence of feeling, and at once abandon the course, and, he would say, the only true course, which this Government has invariably, heretofore, pursued towards foreign Powers? We have uniformly (said Mr. K.) recognised the existing Governments—the Governments *de facto;* we have not stopped to inquire whether it is a despotic or constitutional Government; whether it is a republic or a despotism. All we ask is, does a Government actually exist; and having satisfied ourselves of that fact, we look no further, but recognise it as it is. It was on this principle, (said Mr. K.,) this safe, this correct principle, that we recognised what was called the republic of France, founded on the ruins of the old monarchy; then the consular Government; a little after, the imperial; and when that was crushed by a combination of all Europe, and that most extraordinary man who wielded it was driven into exile, we again acknowledged the kingly Government of the house of Bourbon, and now the constitutional King Louis Philippe of Orleans.

Sir, (said Mr. K.,) we take things as they are; we ask not how Governments are established—by what revolutions they are brought into existence. Let us see an independent Government in Texas, and he would not be behind the Senator from Mississippi nor the Senator from South Carolina in pressing forward to its recognition, and establishing with it the most cordial and friendly relations. Why (said Mr. K.) should our course now be made to differ from that pursued by us when South America was struggling to free herself from the grinding tyranny of Spain, from the horrors of the inquisition? Was there a man who did not deeply sympathize with them, and desire to see them freed from their oppressors? Not one, sir, not one; every heart throughout this widely-extended republic throbbed with joy at their successes, with pain at their reverses. Did we at once acknowledge their independence? No, sir; far from it. The eloquent Senator from Kentucky, then a member of the House of Representatives, exerted all his powers in vain. The then administration, wise, cautious, just, could not be induced to act in the absence of all information on which certain reliance could be placed. Three of our most respectable citizens were deputed to ascertain the true state of things; and it was not until their report was received, that that prudent administration recommended the recognition of the independence of the South American republics, and the whole country joyfully responded to the recommendation. So, he should hope, would be the action of the administration on the present occasion. Let us have information on which we may rely, not mere rumor.

Gentlemen had declared their determination to sustain the proposition of the honorable Senator from Mississippi, because they regarded it as evidencing the feelings and wishes of the Executive on this subject. He, for one, could not consent that such an impression should go abroad. He had had no communication with the Chief Magistrate on the subject; but he felt confident that the distinguished individual at the head of the Government was too wise and too prudent to recommend premature action in relation to a matter involving consequences of the deepest importance. He should have been much gratified if it had pleased honorable gentlemen to have waited for the development of coming events, and not, upon the receipt of every rumor, to seize upon it and press for an immediate action. He could not see the necessity of referring these memorials to the Committee on Foreign Relations; they had not the means of procuring any information not already in the possession of the public. He would have preferred that these manifestations of public feeling should have been received and suffered to lie on the table until the proper period for action should arrive. He would not, however, oppose the motion, if gentlemen continued to press it; but he trusted to the intelligence and sound discretion of the Committee on Foreign Relations to let the matter slumber for the present, and not recommend any action, until possessed of the fullest information, sustaining the settled policy of this Government, and becoming to the national Legislature.

Mr. MANGUM hoped the Senate would not send this matter to the committee—not to sleep, for they ought to report something on the subject. From the relation in which he stood as a member of that committee towards the Executive, he ought to be cautious not to embarrass that department of the Government; and from local causes it would naturally be expected he should have some feeling on this subject. If he had, he dare not move in the matter until the Executive moved. He would not vote for a reference of these, or any other proceedings, to embarrass the executive department. He alluded to a bill before another branch of Congress to fix the boundary line between this Government and the

Government of Mexico, and they ought to act with some delicacy. He knew he would be denounced in a certain quarter as wanting in a due sense of feeling for Texas. But when Texas came up to the standard of independence, he was prepared to act promptly, but was not willing to embarrass the Executive upon mere newspaper rumor. He would vote against the reference, on the ground that he was unwilling to take any step until he could go the whole length. At present, there was no authentic information that there was any Government in Texas. He would not yield that he had less sensibility than others in behalf of Texas; and being unwilling that the committee should be embarrassed by this delicate question, he would move to lay it on the table.

Mr. CALHOUN was of opinion that it would add more strength to the cause of Texas to wait for a few days, until they received official confirmation of the victory and capture of Santa Anna, in order to obtain a more unanimous vote in favor of the recognition of Texas. He had been of but one opinion from the beginning, that, so far from Mexico being able to reduce Texas, there was great danger of Mexico herself being conquered by the Texans. The result of one battle had placed the ruler of Mexico in the power of the Texans; and they were now able, either to dictate what terms they pleased to him, or to make terms with the opposition in Mexico.

This extraordinary meeting had given a handful of brave men a most powerful control over the destinies of Mexico; he trusted they would use their victory with moderation. He had made up his mind not only to recognise the independence of Texas, but for her admission into this Union; and if the Texans managed their affairs prudently, they would soon be called upon to decide that question. No man could suppose for a moment that that country could ever come again under the dominion of Mexico; and he was of opinion that it was not for our interests that there should be an independent community between us and Mexico. There were powerful reasons why Texas should be a part of this Union. The southern States, owning a slave population, were deeply interested in preventing that country from having the power to annoy them; and the navigating and manufacturing interests of the North and East were equally interested in making it a part of this Union. He thought they would soon be called on to decide these questions; and when they did act on it, he was for acting on both together—for recognising the independence of Texas, and for admitting her into the Union.

Though he felt the deepest solicitude on this subject, he was for acting calmly, deliberately, and cautiously, but at the same time with decision and firmness. They should not violate their neutrality; but when they were once satisfied that Texas had established a Government, they should do as they had done in all other similar cases—recognise her as an independent nation; and if her people, who were once citizens of this republic, wished to come back to us, he would receive them with open arms.

If events should go on as they had done, he could not but hope that before the close of the present session of Congress, they would not only acknowledge the independence of Texas, but admit her into the Union. He hoped there would be no unnecessary delay, for in such cases delays were dangerous; but that they would act with unanimity, and act promptly.

Mr. BROWN said he would not enter into the consideration of the very important topics, on the present occasion, which the gentleman from South Carolina [Mr. CALHOUN] had alluded to, in the course of his remarks, as to the position which Texas ought to occupy, in relation to the United States, in the event of her succeeding in the establishment of her independence. Whether she was to be incorporated into our confederacy as one of its members, or whether she was to stand in the relation of an independent sovereignty, having no political connexion with us, as a nation, were questions which were fraught with the most important consequences, and would, when presented for deliberation, deserve the most solemn consideration.

He would proceed to say a few words on the motion to refer the memorials in favor of the recognition of the independence of Texas to the Committee on Foreign Relations. We had been called on (said Mr. B.) to take this step, by the advocates of the motion, confessedly on the grounds of the propriety of an immediate acknowledgment of the existing authorities in Texas as a Government. He, therefore, should view the motion as looking to that result, and as the means by which it was sought to be accomplished. What, he would ask, was the nature of the information on which this important step was to be predicated? Were we in possession of that well authenticated intelligence, as regards the condition of Texas, and the competency of its existing authorities to maintain themselves against the power of the Mexican Government, which would authorize such a measure? These were important preliminary inquiries, and should not be regarded as settled, until we had received more certain and definite information than we yet had in our possession. Mr. B. could not, he said, consider the effort which was now making by honorable gentlemen to stimulate action on this subject by our Government, in any other light than an attempt to change practically and radically the neutral and pacific character of our Government, which had long been cherished as one of its wisest and best settled principles of policy—a policy under the guidance of which we had grown, and strengthened, and become powerful at home and respectable abroad. He, for one, was not willing to exchange a policy which had produced such rich and valuable fruits, for one of novel experiment and of uncertain issue. He could not yield his judgment to the enthusiastic appeals which had been made to our sympathies on this occasion. He trusted that he, too, felt a becoming and proper sympathy for those in every clime, and in every country, who were engaged in a struggle for liberty against arbitrary power. But there was a sympathy which he owed in another quarter, and which he acknowledged he felt in its full extent—higher, stronger, and of more sacred obligation than that which had been on the present occasion claimed of us. It was a sympathy for the preservation of our national character, for justice, and for the preservation of our own free institutions. Such was the ardent anxiety and solicitude that he felt for the success of our own great and hitherto eminently successful experiment in self-government, that he believed we should not only be doing great injustice to our own country, but to the cause of liberty everywhere, by embarking our Government, which was the best and brightest hope of the friends of civil liberty, in schemes, if not dangerous, to say the least of them, injudicious and precipitate. Mr. B. thought he could see, in the considerations to which he had adverted, reasons at least as strong, and motives as powerful, to call forth our patriotic sympathies, and to afford us an ample occasion for their exercise, as any which had been urged on the other side.

It had repeatedly (said Mr. B.) been charged against republics, by the advocates of power, that they were too much governed by a spirit of conquest, and had often endeavored to aggrandize themselves at the expense of other nations, disregarding the principles of justice. He believed the charge unfounded, and trusted that the United States would continue, as they had heretofore done, to afford an exemplification of the truth, that a

republican Government can not only *act* with justice and moderation towards other nations, but that it can *preserve* a character for those elevated national virtues, placing it in honorable contrast with the selfish and arbitrary examples too often set by Governments of a different form.

Mr. B. said that generous as the enthusiasm was which had been expressed on this occasion in behalf of Texas, and disinterested as the motives doubtless were, alleged in favor of the proposed departure from our neutrality, (for such he should regard a recognition of the independence of Texas at present,) did gentlemen believe that the sharp-sighted diplomacy of foreign nations would not suspect us of some disposition to aggrandize ourselves at the expense of a weaker neighbor, and of impatience to plant our eagles on a foreign soil?

He regarded our national character as worth infinitely more than all the territorial possessions of Mexico, her wealth, or the wealth of all other nations added together. We occupied a standing among the nations of the earth, of which we might well be proud, and which we ought not to permit to be tarnished. We have, said Mr. B., arrived at that period of our history, as a nation, when it behooves us to act with the greatest wisdom and circumspection. But a few years since, as a nation, we were comparatively in a state of infancy; we were now, in the confidence of youth, and with the buoyancy of spirit incident to this period of our existence as a nation, about to enter on "man's estate." Powerful in resources, and conscious of our strength, let us not forget the sacred obligations of justice and good faith, which form the indispensable basis of a nation's character—greatness and freedom; and without which, no people could long preserve the blessings of self-government. Republican government was based on the principles of justice; and for it to be administered on any other, either in its foreign or domestic affairs, was to undermine its foundation and to hasten its overthrow.

Mr. B. said that the peaceable acquisition of Texas by purchase, was a question which might well merit the consideration of the Government of the United States; but any step which looked, either directly or indirectly, to obtaining possession of it in any other way, or which would commit us to take part in the contest in which it was at present engaged, ought, in his opinion, to be steadily resisted. If, in the existing condition of things, we acknowledge her independence, it would become not only a matter of pride, but somewhat of obligation on our part, to maintain it by military force; an extremity on which gentlemen ought to pause, before they were prepared to precipitate the country improvidently into.

If, said Mr. B., we shall receive unquestionable information that Texas can maintain her independence against the authority of the Mexican Government, none would be more willing to see her recognised as a free and independent State than himself; but, until then, we owed it to our character as a nation, to our love of justice and moderation, and to our republican form of government, to do nothing which would compromit the one or endanger the other.

Mr. WALKER said the arguments made by some Senators were calculated to place him in a position which he had not occupied, and demanded a reply. Honorable Senators had spoken as though he (Mr. W.) had made some proposition to dismember Mexico, to violate the faith of treaties, and tarnish the national honor. Mr. W. had made no such proposition. He said he would violate no treaty; he would never desire to tarnish the national honor, or sully a single star that beams in the banner of the Union. The question is to inquire, through the appropriate committee, into the existence of a Government *de facto* in Texas. The sole question is, has a revolution been effected in Texas? Has the Mexican Government been overthrown there? And whether this revolution, as in the present case, in a single campaign, or as in the three days at Paris, has been effected, leaves the question unchanged. Mr. W. would desire to call back honorable gentlemen from the fields of speculation into which they had wandered, and ask them to meet the question now proposed--whether the Senate ought not to inquire into the fact of the existence of a Government *de facto* in Texas? If in Texas there be a successful Government in operation, then we shall violate the fundamental principle of the law of nations, if we continue to recognise the existence of the Mexican authority in a country from which it has been expelled. But the recognition, it is said, should come from the Executive, or upon his suggestion. Had the President proceeded to recognise the independence of Texas, or to dictate our course here on this subject, some of those very Senators who object to my motion would have at once denounced, as a usurpation, such a course upon the part of the Executive. But the Senate has a right to act on this subject, not only as a branch of the Legislature, but as a branch of the executive department, in controlling our foreign relations. No treaty can be made with any foreign Power, no envoy accredited there, but through the direct action of the Senate, as a branch of the executive department; and it is therefore peculiarly appropriate that the proposed inquiry should commence here. But we are told the proposed inquiry is indelicate, under existing circumstances. Indelicate to whom? To Santa Anna, the captive chief of the Mexican Government? Mr. W. said that, to his mind, such an idea was irresistibly ludicrous. When our illustrious Franklin presented his credentials as the first American ambassador to France, did we think it indelicate to send such an envoy on such an embassy? And when the young Franklins from Texas shall present their credentials, as they may already have done, on a similar embassy, shall we be told that the inquiry is indelicate, whether they do in fact represent a Government *de facto* or not? But if the inquiry is indelicate on our part, would it not be much more so on the part of the Executive--brought heretofore, and perhaps at the present moment, into actual conferences with the minister of Santa Anna? There was another strong reason for immediate action. The Senator from Massachusetts had stated that a foreign Power was endeavoring to obtain a cession of Texas from Mexico. If Mexico could ever cede Texas to that foreign Power, now would be the moment. If she made such cession when we refused even to inquire into the propriety of recognising the independence of Texas, might not Mexico, and such foreign Power to whom Texas was ceded, then declare her independence, because we shall have considered the Mexican Power as the lawful Government of Texas? This circumstance alone demanded immediate action.

After some further remarks from Messrs. PRESTON, CALHOUN, and MANGUM,

Mr. RIVES concurred in the necessity of caution. This Government should act with moderation, calmness, and dignity; and because he wished the Senate should act with that becoming moderation, calmness, and dignity, which ought to characterize its deliberations on international subjects, it was his wish that the subject might be referred. If it was postponed, it would come up again for discussion from morning to morning, to the exclusion of most of the business of the Senate, as there was nothing to prevent the presentation of petitions every morning, to excite discussion. It was for the purpose of avoiding these discussions, that he should vote to refer it at once to the Committee on Foreign Relations. A prominent member of that committee had been long and intimately acquainted with the subject of our foreign relations, and there were

members on it representing all the different sections of the country, to whose charge he believed the subject could be safely committed. It would seem, from the course of debate this morning, that gentlemen supposed the question of the recognition of the independence of Texas, or its admission into this Union, was directly before the Senate; and some gentlemen had volunteered their opinions in advance of the report of the committee. He did not vote to refer it to the committee to receive its quietus, but that they might give their views upon it; nor did he feel as if he were called upon to express an opinion upon the propriety of the measure. It was strange that Senators, who stated that their opinions were made up, should oppose the reference.

Mr. CALHOUN explained. He stated that he was not prepared now to take either course that he had suggested. But he said that the questions, both of the recognition of Texas, and her incorporation into the Union, would soon be brought before them. He stated that the Texans, having the power, could make good terms with Santa Anna, or with the opposing party in Mexico; and that if they acted with prudence, Congress would soon be called upon to decide whether they should be incorporated into the Union. The gentleman from Virginia, he presumed, would not oppose this. He was not so prudent as to wait for the opinion of the committee. He had the fullest confidence in the committee, but, having made up his mind long ago, he did not rely on the opinions of any one. It was not that he considered action to be now premature, but because he desired to see a greater unanimity of opinion, that he wished this matter delayed.

Mr. RIVES was under the impression, without being able to recall to his mind particularly who the individual Senators were, that other gentlemen had so expressed themselves. He held it to be entirely premature, in any Senator, in cases of reference, to express an opinion in advance. The committee would be governed by all proper and patriotic feelings, in their deliberations upon the subject, and report to the Senate their views upon it in detail, based upon authentic information received from all the sources within their reach. He believed that the discussion of all preliminary questions, without having well authenticated facts before them, gave rise to excited feelings. The gentleman from South Carolina [Mr. CALHOUN] had stated his feelings as a southern man.

Mr. CALHOUN explained. He stated that all parts of the Union, the manufacturing, navigating, and commercial interests, were all equally interested in the independence of Texas.

Mr. RIVES repeated that it was for the purpose of avoiding these excited feelings and discussions, that he was in favor of the reference. They all knew the interest felt in relation to this Government. He did not conceive that voting for a reference, committed any one. Did any gentleman, when he voted for the reference of a particular claim to a committee, consider himself bound to vote for that claim? Certainly not. He hoped every Senator would acquiesce in the reference; and in all probability, in a short time, they would have placed in their hands such information of an official character as would enable them to act with unanimity, and perhaps even without discussion.

Mr. President, when Santa Anna descended upon Texas, like Hyder Ali on the plains of the Carnatic, spreading destruction and desolation before him; when he stormed the Alamo, and put its noble and devoted defenders to the sword; when Colonel Fannin, who, after fighting gallantly an overwhelming force of his enemies, was seduced into an honorable capitulation; when this capitulation was basely and treacherously violated, and his followers assassinated; when property was plundered and laid waste; when women and children were seen flying to the swamps, forests, and cane-brakes, for shelter and protection against the power of these ruthless invaders; then, in the hour of their darkest hopes, I was willing to vote an acknowledgment of the independence of Texas, because at that moment it would have served their cause a good purpose. But now, sir, the scene is changed; they have met their proud and vainglorious enemies, and completely triumphed; they have trampled their enemies in the dust, and worked out their own salvation. Texas is independent, and it matters but little whether we now pass through the forms of admitting it or not. She is too prosperous for me to take much interest in the matter.

Mr. BUCHANAN said that he had in his possession a memorial from citizens of the city and county of Philadelphia, urging Congress to recognise the independence of Texas, which he intended to present to the Senate as soon as an opportunity should offer. After much deliberation, he had determined to move its reference to the Committee on Foreign Relations; believing that, under existing circumstances, this was the most proper disposition which could be made of these memorials.

Mr. B. entirely concurred in the views which had been presented by the Senator from Virginia, [Mr. RIVES.] A reference of these memorials to that committee committed nobody. It left the future course of every Senator as free as it had been before. Such a vote did not, in itself, imply either that we favored or that we opposed the recognition of Texan independence. No inference could be fairly drawn from it, except that we deemed the subject of sufficient importance to justify an inquiry. Could any Senator deny this proposition? It might be, though he confessed he thought it highly improbable, that the committee would feel themselves bound to determine against the cause of Texas, and against the ardent wishes of the people of the United States. In that event, it would become the duty of the committee to endeavor to tranquillize the country, and to satisfy the public that this view of the subject was correct. The simple reference of these memorials was the best mode of getting clear of the subject for the present; and for these reasons, if he had no other, he should vote for it. He did not believe that, in the present state of the war between Mexico and Texas, the most jealous minister ever sent from old Spain or Mexico would have any cause to complain of the mere reference of these memorials to a committee of the Senate.

But, Mr. B. said, he should not do justice either to his feelings or his judgment, if he were to place his vote upon these considerations alone. When he had last addressed the Senate upon this subject, the civil war was still raging in Texas, and the result of the conflict was still involved in doubt. It would then have been a violation of the established principles of our policy to institute an inquiry whether we should recognise its independence. From these principles, whatever might be his feelings as a man, he should never depart as an American Senator. But since that time, the aspect of affairs had materially changed. Although he was not of a credulous or sanguine disposition, yet the sources of our information were so numerous, and of such a respectable character, that he now believed the dominion of Mexico over Texas was gone forever. For this he thanked his God. Its mountains and its fertile plains were destined to sustain millions of American freemen in the enjoyment of American liberty. Whatever struggles the patriots of Texas might yet be compelled to make in the sacred cause of liberty, of one thing he felt certain--that they would be finally triumphant. But would they use their victory as wisely as it had been bravely won? This was a question on which we should soon be able to form an opinion. Before we could acknowledge

their independence, we must be satisfied that they had organized and established a Government *de facto*, and were actually independent. When these facts were clearly proved, we should then owe it to ourselves—we should owe it to the feelings of the American people—to exhibit an alacrity in declaring them independent. On this subject we should manifest no tardiness nor cold delay; but, until that time should arrive, we must be faithful to our principles, and to our duties as a member of the great family of nations.

A habit seemed to be growing in this body, of attributing to the opinions of Senators on this floor, who were known to be friendly to the present administration, a meaning beyond what could be fairly inferred from their expressions, and thus attempting to commit the Executive. This had been done in the course of the present debate. He protested against the justice of any such inference. What he had said upon the present occasion were his own opinions, for which he was individually responsible, without any reference whatever to those which might be entertained by the President of the United States. He trusted that, without further debate or delay, these memorials might be referred to the committee, and we might thus have a breathing spell from this subject, to attend to the other important business which was now pressing upon us.

After some further observations from Mr. PRESTON,

The several memorials were then referred to the Committee on Foreign Relations.

FORTIFICATION BILL.

On motion of Mr. HUBBARD, the fortification bill was laid on the table until to-morrow.

RESCINDING RESOLUTION.

On motion of Mr. WHITE, the rescinding resolution, which came up as the special order, was postponed, and made the special order for Thursday, after some remarks from

Mr. HILL, who expressed a wish to speak on the subject before he left the Senate, which he proposed to do at the end of this week, or the beginning of the next.

Mr. HUBBARD offered a resolution, setting apart Friday and Saturday of every week for the consideration of private bills, and asked the consideration of the resolution; but an objection was made, and the resolution lies over.

The special orders were then postponed until to-morrow, for the purpose of taking up the general orders.

The resolution offered some time ago by Mr. HUBBARD, concerning the incorporation of banks in Florida, was taken up, and, on motion of Mr. EWING, of Ohio, with the consent of the mover, was referred to the Committee on Finance.

The Senate then adjourned.

TUESDAY, MAY 24.

ALABAMA.

Mr. KING, of Alabama, stated that he had received information, on which the most perfect reliance could be placed, that a great number of individuals had been driven from their homes on the Alabama side of the Chattahoochie river, by the hostile Creek Indians, many of them having families, being deprived of their all, and having no means of sustaining themselves until the Indians can be put down, and the country restored to a state of peace and quiet. It was not necessary, Mr. K. said, to dwell on the scenes of affliction which were now witnessed in that unhappy country; all they could now do was, to extend to them such assistance as would enable these unfortunate people to sustain nature until their country could be restored to a state of peace and quiet, and they reinstated in their homes. He therefore asked leave to introduce a joint resolution, authorizing the President of the United States to cause rations to be issued from the public stores to supply, for the present, those sufferers who have not the means of sustaining themselves and families.

He hoped that the resolution would be received by unanimous consent; and that the rule of the Senate, requiring one day's previous notice, would be dispensed with. In a case of this nature, Mr. K. said, that even one day was of importance.

The resolution was then read twice, and ordered to be engrossed for a third reading.

[At a subsequent part of the day, the above resolution having been reported correctly engrossed, was, on motion of Mr. K., and by unanimous consent, read the third time and passed.]

PRIVATE BUSINESS.

The resolution offered yesterday by Mr. HUBBARD, of New Hampshire, setting apart Fridays and Saturdays for the exclusive consideration of private bills and private business, was taken up and discussed.

Mr. HUBBARD called for the yeas and nays.

Mr. NAUDAIN moved to strike out Friday, and the amendment was accepted by the mover, as a modification of his resolution.

Mr. WEBSTER moved to lay the resolution on the table: Yeas 16, nays 17.

The question was then taken on the adoption of the resolution: Ayes 16, noes 17.

So the resolution was rejected.

The Senate then took up a resolution lying on the table, that the Senate hereafter meet at eleven o'clock, daily, instead of twelve; which was agreed to.

FORTIFICATION BILL.

On motion of Mr. HUBBARD, the Senate proceeded to consider the bill making appropriations for the erection of fortifications, purchase of sites, &c.

The question being to strike out the appropriation as it stands for the fortifications in Portsmouth harbor, and inserting $150,000 per annum, for two years—

Mr. HUBBARD rose and addressed the Chair, as follows:

Mr. President: At this late period of the session, it may fairly be presumed that every subject connected with the legislative proceedings of Congress has been so thoroughly examined, so faithfully considered, and so well matured, that every member of the Senate is prepared for action; and that discussion, if not unacceptable, would seem to be wholly unnecessary. I am fully sensible of the truth of this sentiment, and I can assure the Senate that no man more deeply regrets than myself the necessity imposed upon me to present my views upon the immediate question before the Senate. If the honorable Senator from South Carolina [Mr. PRESTON] had not expressly intimated that he should renew his motion to strike from the bill the appropriation for a fortification at Portsmouth, I would not trouble the Senate with one single remark; but, Mr. President, coming as I do from New Hampshire, and being entirely sensible of the importance of the proposed fortification near the mouth of the Piscataqua, for the protection of public and private property in time of war, and for the better security of an enterprising, intelligent, and patriotic population in that immediate vicinity, I should be deaf to the call of duty, I should be faithless to the interests of my constituents, if I should remain silent; if I should fail to present to the Senate the facts within my own knowledge, and which facts cannot be presumed to be within the knowledge of all the Sena-

tors; if I should fail to urge such general considerations, which ought to, and which I trust will, induce the Senate to retain this appropriation in the bill; and that, should any appropriation be made for the following year, the particular amendment presented by the Senator from Missouri, proposing a like appropriation for 1837, will be adopted. I must, therefore, ask the indulgence of the Senate for a few minutes, with the view to show the fitness, the propriety, the urgent necessity, of erecting a fortification at the mouth of the Piscataqua, near the harbor of Portsmouth.

In the first place, Mr. President, we are relieved from all constitutional difficulties in making appropriations for objects of this character. They are objects so intimately connected with the general defence and permanent security of the country, so essentially necessary to the security of public property, that there is no doubt of the constitutional authority of Congress over the subject.

It is not only within our power, but I hold it to be our bounden duty, "to provide for the common defence and general welfare of the United States." So strong and so general was this sentiment, that in 1790, immediately after the adoption of the present form of government, General Washington, in his message to Congress, remarked that "among the many interesting objects which will engage your attention, that of providing for the common defence will merit particular regard. To be prepared for war, is one of the most effectual means of preserving peace." In 1791 the same distinguished patriot again called the attention of Congress to the subject, by remarking "that the fortification of such places as are peculiarly important and vulnerable naturally present themselves to your consideration."

"The safety of the United States, under Divine protection, ought to rest on the basis of systematic and solid arrangement, exposed as little as possible to the hazard of fortuitous circumstances." In 1794 Washington communicated that, "as auxiliary to the state of our defence, to which Congress can never too frequently recur, they will not omit to inquire whether the fortifications which have been already licensed by law be commensurate with our exigencies." And, in his farewell address, he urged upon the people to bear in mind "that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it." Such were the sentiments of the Father of his Country, and such have been the sentiments of the most distinguished patriots of our republic. Such has been the favorite doctrine of every administration, with perhaps a single exception, from the formation of the Government to the present period. As a means of defence, fortifications will continue to be regarded as of primary importance; and in the language of the Secretary of War, as used in his able and acceptable report, "It is the duty of the Government to afford adequate protection to the seacoast—a subject of paramount obligation; and that we are called upon by every consideration of policy to push the necessary arrangements as rapidly as the circumstances of the country and the proper execution of the work will allow." "Every town large enough to tempt the cupidity of an enemy should be defended by works fixed or floating, suited to its local position, and sufficiently extensive to resist such attempt as would probably be made against it." This, sir, is my text, and this my doctrine. Whatever may be our reliance upon the efficiency of our army in time of war; whatever may be our confidence in the energies of our navy in the day of danger; yet it will not be denied that fortifications, well manned and well armed, are indispensably necessary for affording adequate and proper protection to our principal harbors and towns upon our maritime frontier. In no other mode or manner can the population and property at particular points be so well defended and so securely preserved. It is, then, the voice of wisdom and of prudence, the dictate of sound policy and economy, to continue the system of fortifications—of protecting our maritime frontier, by the erection, at important and vulnerable points upon the coast, of permanent and enduring fortresses. I believe this to be the prevailing sentiment of our country; and in this day of our prosperity, in the abundance of our means, we ought to make liberal appropriations for objects of general defence and permanent protection.

It cannot be controverted that some of our most important harbors, some of our principal towns and cities, some of our most valuable navy yards and naval depots upon our maritime frontier, are at this moment entirely defenceless; so exposed to attack that, in the event of a war, they would have to rely for their security upon the forbearance of the enemy. This is literally true with reference to the whole extent of our maritime frontier within the limits of New England. It is not my purpose to speak of any other point except the harbor of Portsmouth, which requires at the hands of the Government better protection, security, and defence. I leave other places to the care of other Senators better able than myself to look after their interests. I am free to admit that the opposition to this particular bill, as now modified, has greatly surprised me, after the expression of the unanimous opinion of the Senate upon the subject of public defence, and of the duty of Congress to make appropriations with reference to that subject.

After the adoption of the resolution of the Senator from Missouri, in the early part of the session, proposing to make appropriations for the permanent security of the country, I could not but regard it, in some degree, as a pledge on the part of the Senate to give "their support to such legislative measures as shall have for their object the accomplishment of these great purposes." I could not have anticipated such an opposition as is made to this bill. It has not been urged, from the commencement of the debate to the present time, and he believed that it was not even pretended by any one, that fortifications were not necessary, and were not required by every consideration of public policy, at the various points named in the bill. It seemed to be distinctly admitted, that a proper regard to public and to private security called upon Congress to erect adequate fortifications at the several places designated in the bill before the Senate. And yet the bill was opposed—strenuously and resolutely opposed. He would, therefore, attempt to show that the opposition to the appropriation for a work of defence near Portsmouth was altogether unreasonable; and that the facts which he would present to the consideration of the Senate would, he believed, demonstrate the propriety, the peculiar fitness, the absolute necessity, of fortifying this particular point upon our maritime frontier.

The bill proposes to appropriate for this year one hundred and fifty thousand dollars to this object; and the amendment now offered by the Senator from Missouri continues the same amount of appropriation for the year 1837. The immediate questions presented to the Senate are—

1st. Would a fortification at the mouth of the Piscataqua river, under existing circumstances, be necessary?

2d. Would it be practicable?

3d. Would the cost of its erection be extravagant?

4th. Would its importance justify its probable expense?

Certain the fact is, that, at this time, there are at that place no fortifications, worthy of the name. Fort Constitution, on New Castle island, and Fort McCleary, on the opposite side of the river, are both in a ruinous condition. The other works of defence which were

built during the last war, near the harbor of Portsmouth, and for its protection, were designed as merely temporary in their character, and at the close of that contest were suffered to go to ruin. It may then be stated, as a truth, that the only seaport town within the limits of New Hampshire is, at this time, utterly defenceless; that, in the event of a war, if our difficulties had not been arranged, if actual hostilities had resulted from recent collisions with our ancient ally, there is no work of protection, either on the Maine or the New Hampshire side of the Piscataqua, which could have prevented the fleet of the enemy from entering the harbor of Portsmouth, and laying waste the private property of her citizens and the public property of our Government. If the enemy had cried "havoc, and let slip the dogs of war;" if they had dared to invade our territory, to plant themselves upon our soil, they would have met a body of yeomanry too patriotic to be subdued, too strong to be conquered; and yet this fact furnishes no argument against the erection of a sufficient fortification at the mouth of that harbor. So far from it, it strongly exhibits the necessity of the measure. As all such works are intended to give security against any sudden attack from the enemy, to afford protection to private and to public property, and to inspire a confidence of safety in the surrounding population, the first inquiry then, is, does the harbor of Portsmouth deserve protection and defence at the charge of the Government? On this point the Secretary of War, in his report which has been so often and so deservedly commended, when speaking of the contemplated works at particular places, (among others, at Portsmouth,) remarks: "These proposed works all command the approach to places sufficiently important to justify their construction under any circumstances that will probably exist. I think, therefore, that the public interest would be promoted by the passage of the necessary appropriations for them." "If these appropriations are early made, most, if not all these works can be put in operation this season, and the money usefully applied as fast as their progress will justify." And he adds, "I think the measure would be expedient."

There is certainly no ambiguity in this language used by the Secretary of War in his report. There is no room for doubt as to what are the sentiments of that officer in relation to this matter. And in this same document he further remarks, that "all the harbors and inlets upon the coast, where there are cities or towns whose situation and importance create just apprehension of attack, and particularly where we have public naval establishments, should be defended by works proportioned to any exigency that may probably arise. The political considerations which urge forward this great object are entitled to much more weight. When once completed, we should feel secure.

"There is probably not a man in the country who did not look with some solicitude during the past season at our comparatively defenceless condition, and who did not regret that our preparations, during the long interval of peace we had enjoyed, had not kept pace with our growth and importance. We have now this lesson to add to our other experience. Adequate security is not only due from the Government to the country, and the conviction of it is not only satisfactory, but the knowledge of its existence cannot fail to produce an influence upon other nations, as well in the advent of war itself as in the mode of conducting it.

"If we are prepared to attack and resist, the chances of being compelled to embark in hostilities will be diminished much in proportion to our preparations. An unprotected commerce, a defenceless coast, and a military marine wholly inadequate to the wants of our service, would indeed hold out strong inducements to other nations to convert trifling pretexts into serious causes of quarrel."

Such pure and patriotic sentiments are worthy of the head and of the heart from which they emanated. And what is their sum? That, in the time of peace, in the day of our prosperity, and in the midst of our abundance, we should be prepared for war. The quoted remarks of the Secretary have literally and faithfully described the present state and condition of Portsmouth and of that section of our maritime frontier. A fortification is all-important for the due protection and security of the harbor of Portsmouth. In a document communicated from General Bernard, Commodore Elliot, and Captain Totten, it is stated "that the only good roadstead or good harbor between Cape Elizabeth and Cape Ann is Portsmouth harbor, within the mouth of Piscataqua river. Line-of-battle ships can ascend this river seven miles above the town of Portsmouth." And I hazard nothing in saying that a safer or a better harbor cannot be found upon the whole extent of our maritime frontier.

The honorable Senator from Massachusetts must be much better acquainted with these facts than I am myself. Although we are both natives of New Hampshire, and have both resided for a time in Portsmouth; yet my own residence was merely temporary, while I engaged in the prosecution of my professional studies. At a much later period the Senator was numbered among the inhabitants of that place. He must, therefore, be much more conversant with its particular history than I can be; and, Mr. President, I hope, in the course of the debate, he will lend his aid in doing an act of justice to that ancient town, and to that section of country. I am, Mr. President, in the possession of a memorial, presented to Congress in 1827 by the citizens of Portsmouth, respecting the construction of a dry dock at the navy yard at that place, which contains much valuable information upon this subject, and from which I must be excused for making liberal extracts. The memorial represents "that at every period of the history of this country, the harbor of Portsmouth has been considered of great importance for naval purposes; that, under the colonial system, and long before the Revolution, the British Government, aware of the advantages of the place, were induced to make it a resort for their vessels of war, and to establish a yard where ships of a large class were built for the public service. That, during the war of independence, the Continental Congress ordered the construction at this port of a number of ships of the United States; one of which was the America, of seventy-four guns, the first ship of the line ever built in this country. The harbor of Portsmouth is formed by a cluster of islands, on one of which the navy yard is situated, and through which the river Piscataqua, dividing Maine from New Hampshire, disembogues into the ocean. Several of these islands on each side of the channel afford effective raking positions, where such fortifications might be erected, at a comparatively trifling expense, as would render it completely impregnable to the attacks of any naval force that could be brought against it. There is no bar or obstruction at the mouth of this harbor; on the contrary, at the lowest tides, there are ten fathoms of water at the entrance through the main channel to the navy yard, and at the navy yard wharf, where ships of the largest class may lie, and from whence they may proceed to sea at dead low water. It is easy of access; and ships, when in, are safe from all storms; the loss of a vessel here, by stress of weather, being a circumstance wholly unknown. It is never, in the most intense cold of winter, obstructed by ice: while other naval ports are occasionally closed, this is as free and open as at midsummer." Such is the harbor of Portsmouth; and the proposed fortifications at the mouth of the Piscataqua are for the defence and protection of this harbor.

The position of Fort Constitution, on the New Hampshire side, must certainly, and that of Fort McCleary, on

the Maine side of the river, may possibly, be occupied by the contemplated defences. I am entirely aware that ever since the famous report of General Bernard, February 7, 1821, Portsmouth has been regarded with no special favor. Although possessing advantages superior to any other harbor upon our whole coast; although the harbors of Boston and those further south are frequently obstructed by the ice; although some of them are inapproachable, by reason of sand-bars and of low water; although Portsmouth is entirely exempt from all such like embarrassments; and although this same board of engineers, in 1821, placed the harbor of Portsmouth in the very first class of those requiring works for defence and protection, and ranked it as the seventh in point of importance in that class; yet, from that period to the present, hardly a dollar has been expended for the accomplishment of the objects recommended by the board. While works far less important, in his estimation, have been erected at other points, not a single step has been taken, not a movement has been made, for the defence of Portsmouth, since the report of the board was communicated, although the importance of the station has been time and again urged upon the consideration of Congress. The fact is, we have had to contend with deep-rooted prejudices, with principalities and powers; and, in behalf of the good citizens of that section, I tender my thanks to the Committee on Military Affairs for having brought the interest, the claim of Portsmouth, to the notice of the Senate; and I cannot but believe that, after a lapse of fifteen years, Congress will now proceed to do that which was asked to be done in 1821, viz: fortify that point upon our seacoast. It is important to have a fortification erected there for the security of the public property. Portsmouth is about three miles from the ocean, from the mouth of the Piscataqua. Almost directly opposite to the town, upon Dennet's island, is the navy yard. This is the most ancient yard in our country. I have already shown that at any season, in any wind, from any point, you can approach this yard; and, when there, you have a sufficient depth of water to ride in perfect safety in low as well as in full tide. There is no yard upon our coast which can compare with it, and will not suffer by that comparison. Ships and vessels have been built at that yard for nearly one hundred and fifty years, as the subjoined extract from a paper printed in 1828 clearly shows; and from the same extract, as well as from other records, it appears that more public vessels have been built at that yard than at any other in our country:

From the Portsmouth Advertiser, of September 25, 1828.

LAUNCH.—Yesterday at noon was launched, at the navy yard in this harbor, the United States sloop of war Concord. She is pronounced by judges to be one of the finest ships of her class in the navy. She is six hundred tons burden, and is pierced for eighteen guns.

The following vessels of war have been built at this harbor:

Ships.	*Guns.*	*Dates.*
Falkland,	54	1690
Bedford,	32	1696
America,	50	1749
Raleigh,	32	1776
Ranger,	18	1777
America,	74	1782
Crescent,	32	1797
Scammell,	14	1797
Portsmouth,	24	1798
Congress,	36	1799
Washington,	74	1814
Porpoise,	14	1821
Concord,	18	1828
Alabama,	74 } Not launched.	
Santee,	44 }	

The America, the first ship of the line built in our country, under the agency of that true patriot, the honorable John Langdon, was in 1782 presented by Congress to our distinguished ally, the King of France. The Ranger, another vessel built at that navy yard, is identified, with its intrepid commander, with some of the glorious achievements of our Revolution. This naval station is approachable by vessels of any size; it is situated on an island of less than sixty acres, and is easily defended by works erected for that purpose upon any of the commanding heights by which it is surrounded. This navy yard is now so connected with the main shore, by bridges, that in case of fire it may be readily defended by the citizens of Portsmouth and the adjacent country; and it is believed that insurance of the public property on that island, by reason of the facilities of communication, is reduced at least one per cent., and is less than at any other naval depot upon our coast. Another advantage which this yard possesses over other yards, is, that it is located in the midst of ship carpenters and builders, at a point where all the materials for shipbuilding can be procured at a less rate than elsewhere; where every description of labor costs less than it does at the yard at Charlestown, Massachusetts, at Gosport, or at any other yard in our country. "Here ship carpenters, in any number usually wanted, can be readily obtained upon an emergency for repairing or building. At Gosport, nearly one-third of all the expenditures in the United States is made for the repairs of our public vessels; and at certain seasons of the year, it is not approachable. During this very last winter, if I am not mistaken, it has not been possible at all times to approach the yard. A heavy loaded seventy-four would find it difficult, without lessening her cargo, to reach that point in twenty-five feet of water, the usual depth in full tide; while at Portsmouth, at the lowest ebb, near the yard, you have always a depth of at least forty-five feet."

Again: "the deterioration in the hull of ships is far less at this, than at the stations further south. A difference of twenty-five per cent. in this respect may be calculated on; an important and serious consideration, when vessels of war are for a long time laid up in ordinary." This single fact shows the all-importance of having a dry dock established at this naval station; and, with reference to this very subject, Congress passed an act on the 3d of March, 1827, authorizing the President to cause the navy yards of the United States to be thoroughly examined, and plans to be prepared and sanctioned by the President, for the improvement of the same, and the preservation of the public property therein. And by the same act the President is authorized to have constructed two dry docks on the most approved plan, for the use of the navy of the United States; the one of the said docks to be erected at some point to the south, and the other to the north of the Potomac river.

"Commodores Chauncey, Bainbridge, and Morris were appointed commissioners by the President, to carry this act into effect. The high opinion they entertained of this yard, is plainly made manifest by the improvements they recommended, and the dimensions of the ground, plans of which are here subjoined.

"One dry dock: commandant's house, 50 feet square, with out-buildings extending 80 feet in length; houses for five officers; one, 32 feet in front, the other four 30 feet, including out-buildings extending 85 feet to the rear: porter's house, 30 feet by 25; two ship-houses, each 240 feet by 120, to be located one each side of the bridge: smithery, 150 feet by 60: one timber shed, 300 feet by 65: two ditto, 200 feet by 65: one do. 175 feet by 65: one saw shed, 70 feet by 25: one ditto, 70 feet by 20: one timber dock, 440 feet by 200: one storehouse, 125 feet by 50: one mast and boat shed, 250 feet by 70:

one rigging and sail loft, 175 feet by 70: pile wharf, 150 feet by 60: armory, tinman's and coppersmith's shop, 65 feet by 25: quay walls, additional wharves, building slip, road, anchor and gun wharf, and coal-house.

"When these improvements are carried into effect, the yard will probably by levelled, the wooden buildings all taken down, except the two ship-houses, and the new buildings be constructed of brick and stone."

It would be difficult to present any piece of evidence of higher authority than this report of the commissioners—which goes most clearly to establish the extent and importance of this navy yard; and which also recommends the establishment of a "dry dock" to be connected with this station. I would state, Mr. President, as further evidence of the extent of the public property at this naval depot, that there was, in 1829, ship timber deposited for use in the timber dock, and in sheds, to the value of three hundred and eighty-two thousand dollars; and that the material for ship-building has more than doubled since at that yard.

Again: it is a fact, and worthy of consideration, that any given vessel of any size can be built, and is ordinarily built, at Portsmouth, from 12 to 20 per cent. less than at any other yard in the country; it results from this fact, that materials can there be procured at a cheaper rate than they can at other yards. Labor is cheaper also, and can, and does, accomplish more. Commodore Bainbridge, in his report to the Secretary of the Navy in 1827, shows the sum total of the whole cost of building each vessel at each yard, when any other vessel of a like size has been built at any other yard, and exhibits the whole cost of building the sloops Lexington and Boston, (vessels of the same size,) and the schooners Porpoise and Alligator. It will distinctly appear that a vessel built at New York costs 15 per cent. more than one of the same size built at Boston; and a vessel built at Boston costs 10 per cent. more than one of the same size built at Portsmouth. The Lexington, a sloop, was built in New York, and cost $112,080 89. The Boston, a sloop, built in Boston, cost $96,938 40; making a difference of more than 15 per cent. in the cost of building between New York and Boston, and in favor of the latter. The Porpoise, a schooner, was built at Portsmouth, and cost $20,408 75. The Alligator, a schooner, was built at Boston, and cost $22,745 65; making a difference of more than 10 per cent. in the cost of building between Portsmouth and Boston, and in favor of the former; and hence it follows, that the difference in the cost of building between New York and Portsmouth, is more than 25 per cent., and in favor of Portsmouth.

I have stated, Mr. President, all that I wish to state with reference to the navy yard at Portsmouth, and with reference to the public property ordinarily at that yard. I would, then, close this part of my argument, by adding that fortifications at the mouth of the Piscataqua would afford ample protection and security to this naval station, and to the public property there deposited. It is also necessary to fortify the harbor of Portsmouth, with a view to the better security and protection, in time of war, of the population of Portsmouth and of the adjacent country. The amount of population which would derive an immediate benefit in time of war by the erection of a permanent fortification at the mouth of the Piscataqua, would fall but little short of thirty thousand inhabitants, comprising as patriotic, as enterprising, and as industrious a portion of the community, as can be found within the limits of the republic. They have strong and unanswerable claims upon the Government for protection and security. No State did more, in proportion to her means, for the achievement of American independence, than New Hampshire; she was one of the pioneers of the Revolution. No State has done more to maintain inviolate that independence; no State has received less favor at the hands of the Government. It is due, then, to New Hampshire, that her commercial capital—the only seaport town of her State—should be well fortified, and rendered impregnable to the attacks of her and her country's enemies. A fortification is necessary for the proper protection and security of private property.

As I have before remarked, Portsmouth is situated about three miles from the mouth of the Piscataqua. It has a population of nearly ten thousand inhabitants; it has a large shipping interest, employed principally in the carrying trade; an interest, to a very considerable extent, in the South Sea whale fishery. She has also a large interest in the West India trade, and a very extensive coasting trade. It is not my purpose, Mr. President, to enter into any comparison between the tonnage of Portsmouth and the tonnage of other ports, or between the exports and imports of New Hampshire with the exports and imports of other States. I hold such calculations and comparisons wholly unnecessary and superfluous. It is on the ground of affording a just protection to the population, and adequate security to public and private property, that I rest our claim in favor of the measure. It is on these grounds that I place my reliance for the vote of the Senate for this particular appropriation.

The Piscataqua divides into five branches above Portsmouth. The most easterly branch is called Salmon Falls river. The tide flows up this river to South Berwick, a flourishing and populous town in Maine. Upon this branch is also situated Somerset, in New Hampshire, a large manufacturing village, with a population exceeding three thousand inhabitants, and giving employment to a capital in manufactures of nearly two millions of dollars. The next westerly branch of the Piscataqua is the Cocheco river; the tide extending up this river to Dover, a distance of thirteen miles at least from the mouth of the Piscataqua. This town now contains nearly seven thousand inhabitants, and has an extensive trade. Dover is second to no town in New England, save Lowell, in the excellence and extent of its manufacturing establishments, employing a capital of three millions of dollars. This place has also a large shipping interest. There are annually built, both at Dover and at South Berwick, many private vessels. Still further west, you strike the Durham river; at the head of tide waters stands Durham, a flourishing ship-building town. Another branch of the Piscataqua is Lamprey river; at the head of the tide waters of which is situated Newmarket, also an extensive manufacturing town, having not less than a million of dollars entirely employed in that business, and possessing a population of upwards of two thousand inhabitants. The fifth and last branch leads to Exeter, containing a population of three thousand inhabitants; a town of great wealth, and possessing also an interest in manufactures. If the Piscataqua consisted of but one branch from the head of tide water to the ocean, and upon it were concentrated, in one town, all the population and all the business of the various towns on its branches, the importance, the necessity of protecting the entrance of this river, would be better understood. But I cannot doubt, Mr. President, that enough has been shown to prove the necessity of fortifying the harbor at Portsmouth.

The project of erecting a fortification at the mouth of the Piscataqua has not a recent origin. This point has been more or less protected and defended for nearly a century. Before the period, and during the period, of the Revolution, the British Government had erected a fort for its defence and protection; and, from the adoption of the constitution to this period, appropriations have been made (sparingly, I admit) for the repairs of this fortress. In speaking of Fort Constitution, Mr. Jefferson says, that it is the remains of an ancient for-

tification, which has been repaired at different periods, with some improvements. From 1789 to 1830, less than one hundred thousand dollars in the aggregate had been expended by the Government upon this work. But it will be found, by referring to the tables, that there has been in almost every year some small expenditure for the purpose of making repairs.

As further evidence that the Government considered it an important point, and one requiring works for defence, it will be found that, in 1794, a committee of Congress, to whom the subject was referred, reported as their opinion that the port and harbor of Portsmouth ought to be protected, and recommended an appropriation; and an act was passed accordingly. And at an after period it was resolved, that the necessary works for fortifying the ports and harbors of the United States ought to be constructed of the most durable materials, so as best to answer the purposes of defence and permanency. And in 1796, Mr. Pickering, then Secretary of War, reported in highly favorable terms of the propriety, utility, and necessity of the works erected at Portsmouth, which he represented then to consist of a fort, a citadel, an artillery store, and a reverberatory furnace, all completed. At no period of our history has it ever been hinted or pretended by any one, in office or out of office, that works for defence and security were not required at Portsmouth.

There can be, Mr. President, no doubt of the practicability of the measure: it is inferrible from the facts which have already been stated; from the antiquity of the fortress, and the repairs that have from time to time been made by the Government. There is as little doubt as to the location of the contemplated fortification. Observation, experience, common sentiment, have decided on its necessity, its practicability, as well as upon its locality.

Another point remains to be examined, and that is, would its erection be necessarily attended with a large and unreasonable expenditure of the public money? or, in other words, can different works of defence be devised costing less, which will accomplish the same general object? This will not, and cannot, be alleged. It will not be pretended that the expense can be disproportionate to its importance; that it will cost more than it is worth. For one, I verily believe that the honorable Senator from South Carolina [Mr. CALHOUN] would give me his vote if he were certain that its actual cost would quadruple the estimate. On what ground, then, is it opposed? Its importance will not be questioned—its practicability cannot be questioned; nor will it be pretended that its cost can be disproportionate to its importance. It is opposed for the single reason that we have not, accompanying the Secretary's report, a map and survey, giving all the localities, and an actual detailed estimate giving the amount in the aggregate of the expenditure which will be required, and the particulars which go to make up the general aggregate. The objection is not well taken; for we have a map giving all the localities, which has been in the possession of the committee; and the facts already narrated go most clearly to show where this fortification must be erected; and we are not without book, we are not without authority, upon the cost and necessary expense for this work.

By the report of General Bernard, made in February, 1821, the cost of fortifying the harbor of Portsmouth was estimated at $500,000. That is now the estimate. This is not mere conjecture. This is not, as has been stated, "guess work." The estimate was not made in 1821, nor is it now made, without calculation. They had certain principles—known data—upon which to base their estimate. The size was determined; the number of guns was fixed; the ground had been carefully inspected by the board of engineers in 1821; and was it difficult for them, having fixed its size and its number of guns, to have calculated, with a great degree of accuracy, what would be its cost? It is worthy of remark, that this same board of engineers then estimated the cost of the contemplated works at Penobscot at $100,000; and it will be found, by looking into the survey and estimate made since, with reference to the cost of the same work, after a most minute, particular, and detailed computation of the expense of the requisite materials, and of the expense of the labor, that the aggregate of the cost exceeds the estimate made by the board of engineers only one thousand dollars. And such will be the result of any detailed estimate of the cost of the contemplated work at Portsmouth. The value of the material is not liable to great fluctuations; the cost of labor is very nearly the same, one season with another; and whoever sees the work completed will find that the expenditure has not exceeded the estimates.

The sentiments of the Senator from South Carolina upon that point deserve much consideration. Every wise man, who is about to build for himself a house, first computes the cost; and every wise Government, before commencing any public work, should first compute the cost. But, Mr. President, all this will be done. The Secretary of War will decide upon its form, its location, and have an accurate estimate made of its cost, before a single dollar shall be expended under this appropriation. He would do all this, in the faithful discharge of his official duty. He would do this with reference to his own reputation. Another idea has been suggested, here and elsewhere, and by way of objection to this bill, and that is, it would prevent a distribution of the public moneys among the States, to the amount of the appropriations. I shall be slow to believe that any such consideration can influence the action of this body. What works are necessary, I trust will be established; and what money can be judiciously expended, I trust will be appropriated. I am free, however, to say that the following extract from the speech of a member of Congress, has in some measure weakened my faith that the bill now under consideration will be passed.

"A new and strong motive for economy is now presented; a motive which would have its influence on him in regard to every expenditure. He looked forward to the passage of a bill now in progress for the distribution of the proceeds of the public lands, in effect, of the surplus revenue, among the States. He trusted the bill would pass the present session."

The Senator from South Carolina says that he will vote for every measure, for every appropriation, which, in his judgment, is necessarily connected with the general defence and permanent protection of the country, and that he will go no farther. Just so far will I go, and no farther. What shall be necessary, what shall be judicious, whatever the exigency of the country shall demand, with reference to general defence, I stand ready, with the Senator from South Carolina, to appropriate; and I trust that no Senator in this body, whether the friend or the foe of the administration, would wish to do less, or could be induced to do more. Whatever the state of our affairs, whatever the condition of our country requires in relation to public defence, to general security, is matter of opinion. Men may differ, and honestly differ, in sentiment, with reference to this question; but whatever is required, whatever is clearly necessary for the accomplishment of these great objects, all profess, and I trust sincerely profess, a willingness to grant. This, then, should be the subject, the exclusive subject, for our investigation. We should enter upon its consideration with minds free from local jealousy, from sectional feeling; we should lay aside every political and party excitement which may tend to mislead and misguide our better judgment. There is great danger

that we shall bring into this debate too ardent a temperament for a fair discussion and judicious determination of the whole matter.

I have said, sir, that no Senator would wish to go further than the Senator from South Carolina professes himself willing to go in making appropriations for this branch of the public defence. There can be no disposition wastefully, extravagantly, with no regard to economy, to appropriate the public money for fortifications. We have light upon this subject sufficient for our guidance. We have no occasion, at this day, to engage in unprofitable experiment, whatever may have been the injudicious application of the public money upon fortifications at certain points heretofore. From actual surveys, from the most careful and scientific examinations, we have now shed upon this whole subject the most ample and satisfactory information. The proper location of the public fortresses, for general defence and permanent protection, the kind of fortifications expedient and necessary, are matters settled by approved authority. The documental history with which we have been furnished, clearly shows at what points upon our seaboard, upon our extended maritime frontier, further defences are required.

In connexion with this subject, the surplus revenue is constantly presented to our consideration. That subject is arrayed before us in the most imposing form.

The Senator from South Carolina says that all the projects embraced in this bill, and all the projects in contemplation connected with the general defence, cannot by any possibility reduce the revenue to the wants of the Government. Be it so. I shall rejoice if the predictions of the Senator shall become history. But shall our course be governed by the miserable and sordid policy, that the amount of appropriations for public defence is to be regulated by the effect to be produced upon the surplus fund? That we are to withhold appropriations, if that fund should thereby be lessened, so as to render it unimportant to make distribution of the remainder among the States? I protest against any such policy. What, sir, have we to do with the state of the Treasury, any further than to ascertain whether its condition will bear the appropriation contemplated? What have we to do with the surplus money, in deciding where, and how, and when a fortification shall be erected for the purpose of permanent and public defence? Sir, whether the passage of this bill, and whether the adoption of all the projects proposed by the chairman of the Committee on Military Affairs should have the effect mentioned by the Senator from South Carolina, or whether it should have the effect to exhaust every dollar in the Treasury, save what might be necessary for the support of the Government, would be to me wholly immaterial. I would go on steadily and perseveringly to appropriate and expend for these great objects as fast as I could, in the exercise of a sound discretion, and with a proper regard to economy, until our chain of fortresses shall be perfected upon our maritime frontier. This would be my policy; and I shall endeavor to exercise my best judgment where fortifications are necessary, with a view to defence and security. And there, sir, I would erect them, and of such materials that the lapse of time can have no effect upon their durability, be the cost, the charge, the consequent expenses ever so large.

I know of no better principle to guide us in our action upon this bill, than to suppose that our country, after a lapse of five years, will be inevitably and unalterably involved in a war with the most powerful nation in Christendom. What, then, Mr. President, would be our action upon this bill? What would be the voice of wisdom, of prudence? What would a proper regard to public and private security, to general and individual protection, demand at our hands? Precisely, sir, what the same general considerations now require. What would then be the dictate of good sense, of sound discretion, would now be suggested under the influence of the same safe principles. If we were certain that, after the expiration of five years, war, with all its evils, were to visit our land, there is no man who loves his country, there is no patriot, who would not exert all his exergies to be prepared for the calamity; to strengthen our weakness, to fortify every vulnerable point, to render impregnable our seacoast and our lake frontiers, to put in perfect defence our whole country: this would be the course of every patriot. And, Mr. President, just this course should be observed now, with reference to this subject.

Mr. WEBSTER admitted the great importance of Portsmouth harbor, and expressed his entire willingness to vote for the original appropriation; but he must vote against the amendment.

The question was then taken on the amendment, and decided as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, Linn, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wright—17.

NAYS—Messrs. Black, Calhoun, Crittenden, Davis, Ewing of Ohio, Goldsborough, King of Georgia, Leigh, Mangum, Naudain, Prentiss, Preston, Robbins, Tomlinson, Webster, White—16.

Mr. PRESTON then moved to strike out the appropriation for Portsmouth, on the ground that there were no estimates and surveys for fortifications at that harbor.

Mr. CALHOUN said this question involved so important a principle, that, without plans or estimates, he was not willing to trust it even to the discretion of the Secretary of War, and must, therefore, oppose it.

Mr. HUBBARD had addressed the Senate on this subject, the other day, at some length. He was so well satisfied of the course of the Senator from South Carolina, heretofore, in relation to this subject, that he had expected he would have voted for this provision of the bill. Mr. H. exhibited to the Senate, in detail, the great necessity and importance of this fortification, as a means of commercial protection, as well as defence against invasion.

Mr. BENTON referred to a report, in detail, made by the proper department in 1821, in which every thing that was necessary for the information of Senators on this subject, was contained. In regard to these fortifications, there were two questions involved: one was of a political character, and the other professional. The political question was, as to whether the point of location was worth defence; and the professional question was, as to the plan and estimates, which, when made, no statesman would undertake to question.

Mr. B. adverted to the period, in 1794, when the first act of Congress was passed in relation to forts generally, and the recommendation of General Washington, in which this one was named. The conjectural estimate of its cost was $500,000, and 100 guns would be required to arm it. He spoke of the uncertainty of estimates. A slight error, he said, in the basis of a calculation, led to a large one in its result. It was like two travellers separating at a diverging point of a road. When they began to separate, you could scarcely see them dividing; but after they had progressed a considerable distance, they were a great way apart.

Mr. CALHOUN said that in detailed estimates the quantity of materials of each kind was minutely put down, and, when the cost of construction greatly exceeded the estimates, they knew who was to blame. But, he asked, upon whom did the responsibility rest in the case of conjectural estimates? They did not do their duty in regard to the trust reposed in them by

acting in this general way, and there was something more at the bottom of this than mere fortifications.

Mr. HUBBARD had been utterly astonished that this fortification had not more particularly claimed the attention of Congress. The first committee who reported on it had placed it in the first class and the seventh, in the order of fortifications, and yet not a dollar was voted for it since the report of 1821, notwithstanding its yearly recommendations from that day to this. Portsmouth, it seemed, had not been the favorite of any administration. At Penobscot, a conjectural estimate had been made by Messrs. Bernard, Totten, and Elliot. But his friend from Maine, anticipating this objection, had procured a survey and estimate, which had increased the amount only one thousand dollars over the conjectural estimate.

Mr. BENTON, after referring to a late estimate, said that, in regard to plans, so many guns were placed on one side of a fort and so many on another; and there was not a Senator there, if he had the plan before him, would presume to say a single gun should be changed in its location.

Mr. CALHOUN asked why the Senate should act before the surveys and estimates were made, when the Secretary of War himself would think it unwise to proceed without them? They were in no danger of a war at this time with any European Power; and why the necessity of acting at this time with such precipitation?

Mr. BENTON asked how it came that the whole stress of the opposition was laid on the want of estimate? There were some ten or eleven cases in which there were estimates, and nobody asked to use them. But here was one case in which there was none, and in it they were called for. It would be perfect ridicule for Senators to criticise on one of these estimates. In cases where the cost exceeded the estimates, it was asked where was the responsibility, and who was to blame? As an evidence of how little reliance was to be placed on estimates, he adverted to a case of a fort in Virginia, where the cost exceeded the detailed estimate as two to one.

Mr. CALHOUN said if Congress should make a call on the engineer in the case of a detailed estimate, he could explain where the fault was, and who was to blame. He stated the reason of the excess of cost in the case of Fort Calhoun, which was owing to its being built on a sand-bar.

Mr. CRITTENDEN inferred that $200,000 would not be sufficient for this work, as in all probability it would cost over $500,000; and how much over that amount, it was not known.

Mr. PRESTON said the arguments of gentlemen went to show that no estimates were to be relied on. Heretofore the cost exceeded the estimates about thirty per cent. But notwithstanding that variation, they still opened up the way to some information, some approximation to the amount necessary to be appropriated. He had gone to the Department, and found estimates on file, which he had examined, and the examination only satisfied him that the Department had done its duty. He would not pretend to say that conjectural estimates were not to be relied on, as well as those detailed ones that were made so long since.

Mr. HUBBARD believed the estimate was made as high as it could be; and he was of the opinion that when the work should be completed, the cost would be found to come within the amount of them.

After some remarks from Mr. PORTER, the question was then taken on the amendment: Yeas 10, nays 25.

Mr. BENTON then moved to amend the bill by striking out "for fortifications at Salem, Massachusetts, $75,000," and inserting "$75,000 per annum."

Mr. DAVIS said it was late in the day; and though the Senate seemed to be exhausted, literally worn out with this subject, as in one form and another it had occupied much of the session, he hoped they would bear with him a short time, while he explained the principles which would guide him in all the votes he should give. The proposition now is to increase the appropriation for a fort at Salem, from seventy-five to one hundred and fifty thousand dollars, and to divide it equally for the two coming years. It seems to be understood that, as this fortification is in Massachusetts, I shall not have the courage to oppose it, even in this unprecedented form. In this gentlemen are mistaken—greatly mistaken; for I ask no indulgence for that State beyond what I am willing to concede to others. I hope no sound rule of policy will be violated, no unnecessary or wasteful expenditure of the public money will be proposed, with an expectation that I shall vote for it, or that the people of that State will approve of it, because the money is to be disbursed in one of its harbors. No, sir; gentlemen need not flatter themselves with success in any such schemes, for they will not triumph by mercenary appeals to a people that have at all times, and under all circumstances, defended themselves and maintained their liberties without fortifications. You may make such appeals to the weak, the timid, such as seek protection behind stone and mortar, and the bristling bayonets of a trained soldiery; but it will be treated with scorn by those who have the manly courage and patriotism to meet fearlessly whatever crisis may come, and to trust in their own strong arms and stout hearts, instead of the embattled hosts of this Government.

Sir, this is called a fortification bill to enlarge the defence of the country by the erection of new works. This purports to be the object, upon the face of it; but, if one may be allowed to judge from all he sees and hears in this chamber, from the repeated and urgent application to the Departments to ascertain the greatest sum that can be expended, from the reiterated prophecies that there will be no surplus found in the Treasury, from an apparent determination to make appropriations two or three years in advance, there is some object beyond fortifying the country, some ulterior purpose, which is not openly avowed, while it is secretly and ardently desired. When extraordinary measures are urged upon us, we have a right to look for extraordinary motives; and what motive is there for lavish appropriations at this moment?—for appropriations two and three years in advance? It seems to me that one object is to squander the public money, lest there should be a surplus to go to the people; another, to secure the use of it to the deposite banks as loans, without interest, for them to speculate upon, while it is thus gradually wasting. Who does not perceive that, if a million and a half of dollars is appropriated by this bill for 1837, it will be left in these banks, and that they will have the use of it till drawn out, a year to eighteen months, and two years hence? Who cannot understand that, at the lowest estimate, this would amount to 100,000, or 120,000 dollars, as a clear gratuity? These banks now hold about forty millions, which gives them a clear income or gift of more than two and a half millions of dollars annually, under any the most unfavorable view of the matter, to secure the allegiance and fidelity of the stockholders to this Government. The effect of this upon the mercenary is fearful; and I shall give no vote to perpetuate it, either under pretence of defending the country, or in any other way; for we have no right thus to bestow the use of the public money upon individuals, to the exclusion of the people.

I will not detain the Senate with this view of the matter, but will consider the measure as it purports to be—

a bill to fortify certain places—and examine its merits in that point of view. We have for a long time heard the cry of defence, of alarm, of fortifications, as if some imminent peril threatened us, demanding such prudential arrangements. Yet it is a time of peace and tranquillity, so far as regards the maritime frontier, and promises to continue so. It is but a short year since no entreaty could prevail on the House of Representatives to grant a dollar to mount a gun for the defence of Boston, where the forts are totally dilapidated. Where was this glowing patriotism then, while a war with France was impending? We heard nothing then of the bleeding country, and the cries of its distressed inhabitants! Nothing of the urgent necessity of surrounding ourselves with walls! This, again, would seem to indicate some fresh impulse, some new motive for appropriations.

While I protest against passing fortification bills to empty the Treasury into the banks, I am decidedly friendly to defending the country against all assaults, within and without, upon our frontiers and upon our treasure.

That the country must be defended, can admit of no doubt; but I trust our patriotism is not to be measured by the height and length and breadth of the walls we advocate for that purpose. There are other more sensible methods of testing our love of country, and, above all, our love of public liberty and free government.

Sir, I am no military man, and make no pretensions to military science and skill; but we are required as public men to judge of the propriety and expediency of the measures submitted to us; and, for one, I can no more yield my judgment, or submit to leading-strings in settling the fundamental principles of defence, than in any other matter. The defence of the country is not a new thing, an invention of this session, as some seemed almost to imagine; but it is an affair towards which the country has occasionally turned its attention, when its necessities were quite as urgent as at this time; and there are some things to be considered besides pouring out all the treasure in the erection of walls and batteries. What are they? In settling this question with ordinary sagacity, we must inquire, who is to be our probable enemy? How he is to approach us? What is his situation? What natural obstacles stand in the way? What use we may make of them? And, above all, what kind of preparation is suited to our country, and congenial to its free institutions? These are considerations that should be weighed with the greatest care before we adopt the ordinary European tactics.

We are then about to fortify our maritime frontier; and who is to assail us in that quarter? There is no Power upon which we need bestow a thought, short of Europe. An enemy from that hemisphere must approach us by sea; and the broad Atlantic, three thousand miles wide, rolls between us, and must be passed before we can be assailed. This great natural barrier is in itself a better defence than armies. Aside from the dangers of a long voyage, it is no easy matter to transport an army that distance, with its necessary *materiel* of war and provisions. We have it from good authority, that it employed four hundred ships to transport the French army of forty thousand men into Egypt. What hope of any permanent or considerable success could forty or fifty thousand men have to invade this country against a population of fifteen millions, with all their resources around them? It would be the extreme of folly and madness to make the attempt; while we are a united people, no nation—not England herself, with her thousand ships—has resources sufficient to venture upon such a hazardous undertaking. The disadvantages under which an army moves, when three thousand miles from its resources, are incalculably great, and are seldom encountered except for some object nearly certain of accomplishment. Whatever army invades us will assuredly meet with the fate of Burgoyne and Cornwallis; and if, in that day of small things, with a population of three millions and no resources, we could subdue seven thousand, what, with like resolution, and our present resources, may we not do?

But, sir, we are a commercial people, having property to a vast amount scattered everywhere upon the surface of the high seas; and this is not to be abandoned, unless we are willing to give up our trade and intercourse with foreign nations. Our course, then, is plain, if we adopt a system of defence adapted to our condition. We must go forth upon this great highway, and maintain our right to be there. We must protect our property afloat, keep open the channels of communication between us and nations with whom we have amicable relations, compel our adversary to concentrate his forces and to move cautiously, and fling from our frontier the calamities of war, by making this ocean the great theatre of conflict.

All these considerations point to a navy as the first great available means of defence against European aggression. Could there be greater folly than to incase the country with fortifications, and sit down behind them to wait for the approach of an enemy at his leisure, who, if in undisputed possession of the high seas, would spread his ships out in every direction, and make an easy prey of your commerce? What gallant, high-minded people could consent to abandon their property, their countrymen, and their rights, to the seas, and sit waiting for the ravages of war to be brought to their own frontier? Not those who have proudly borne the flag in triumph to the remotest portions of the earth, amid dangers and perils that seemed insurmountable. Not those who claim and are willing fearlessly to assert their right to the great highway of nations. Sir, we cannot be so unwise as to abandon these great natural means of defence; we cannot suffer our commerce to be broken up, and our property wasted, without an effort to inflict like injury upon our adversary. Our experience demonstrates that small means are capable of executing much; so much, that we have no occasion to despair, and little more to fear any attempts at invasion.

But, sir, maritime defence recommends itself to us for greater and more urgent reasons. A navy is more congenial to our institutions than an army. It consorts better with a republican government. This kind of defence is kept upon its own element, and is separated from the people. They therefore experience little of that vicious influence and corrupting power which insinuates itself into every community that mingles with an array of soldiers. We see little of a navy. It is by itself; and, whatever of the despotic spirit of military rule may belong to it, belongs to it alone. This is doubtless a principal reason why Great Britain has enjoyed a greater share of public liberty than the continental Powers. The absence of armies has permitted liberal principles to expand with the growth of the nation, and the increased knowledge and civilization of an improving country. Not only is this force kept by itself, but no admiral attains to civil distinction. They are neither made ministers, the governors of provinces, nor placed in any high stations. A sailor is seldom heard of, except in defending the honor and redressing the wrongs of his country.

But, further: look at our own country; at achievements which filled every bosom with surprise and joy; which redeemed the honor of the nation, and acquired for it a fame as illustrious and imperishable as will be the history of our naval victories. In all times, and under all circumstances, our naval history is almost without blemish. The valor, the intrepidity, and the skill of our country

men come near to being all we could desire; and their magnanimity, patriotism, and disinterestedness have never, I am confident, been surpassed. Where is the sailor who has dishonored the deck upon which he has trod, or has tarnished the flag that waved over his head? To no other class of men can the honor and interests of the country be more safely confided, for they pour their blood out for us as freely as water. And to their honor be it said—and let a grateful country acknowledge it—they ask nothing in return but the monthly wages we by law promise to them. They demand no places of honor, of trust, or emolument. They claim no stations as a reward for public service. They touch not a foot of your public lands; and though your tables here (I speak it without reproach, for no one feels more grateful for valuable military services) have for years groaned under the weight of petitions for pensions, when have you ever heard among them the name of a sailor? Sir, as a singular illustration of this disinterested, lofty patriotism, petitions have for more than ten years been pending on your files for remuneration for that gallant achievement, the destruction of the frigate Philadelphia, in the harbor of Tripoli; and I believe not one of that devoted band has ever put his name to any of these or any other papers, asking for the bounty of this Government, though the sum proposed to be given has never been less than a hundred thousand dollars. It is enough for the sailor to sustain the honor of the country, and to preserve its liberties. All he asks in return is the proud distinction of having borne her flag in triumph to the remotest corners of the earth, without soiling a fold of it.

Sir, we have little to fear from such a class of men; and yet even for the navy I want no extravagant, lavish appropriations of money; no unnatural growth; but a firm, steady advance in strength, which will enable us to compel all adversaries to respect our rights, because we are able to defend them.

And now, sir, let me ask the attention of the Senate to the militia, which ought and was designed to be our great reliance for land defence and protection at all times, except in cases of actual invasion. Yes, to the militia. Perhaps the word itself may strike some ears with surprise; for, in this long debate, this endless discussion about the defences of the country, the militia have neither been mentioned nor thought of. I beg permission to recall attention to that class of men—to the armed citizens—who seem to be cast by as unworthy of notice among the splendid preparations for war. Let us not forget that those who achieved our independence thought the citizen soldier the most suitable defender and guardian of their rights, the only force in harmony with our institutions—a force (however fashionable it may be to laugh and jest at) which has fulfilled the highest hopes of the country, by proving its courage and skill equal to every great crisis which has occurred from the battle of Bunker's Hill and that of Saratoga to this day. The name of a million and a half of armed men is worth more than a wall of brass. It is a living fortification that no enemy will disregard. Who, without an overwhelming force, will venture upon an armed, organized population? It is this organization which, at all times, has saved the country from inroads, from its earliest settlement. And has the day come when, in the pride of power, in our zeal to be defended, we are about to abandon the militia, and substitute a regular army? Sir, we have always been taught that military power in a free Government is dangerous; that it does not harmonize with republican institutions; that it is arbitrary and violent in its character; that its lessons are obedience and submission, and all its elements the opposite of popular liberty. We have been instructed, also, that the militia—in other words, armed citizens—can be trusted, because they are the protectors of their own firesides; because they are the people themselves, doing service in time of peace, as a patriotic and not as a mercenary act; and because their interests are identified with the preservation of peace, the perpetuity of popular rights, and the dominion of law. They mostly hold the elective franchise, and thus constitute part and parcel of the elements of the Government itself! Thus bound to us by every tie of affection and interest, and exempt from all dependence on the Government, they constitute a force on which we may safely rely; a force that can have no motive to follow an ambitious leader, or to conquer the liberties of the country. They are, in truth, the people themselves, who become soldiers for no other purpose than to preserve the country. This force constitutes a part of our organization; a part of our republican system. It is the strong arm on which the framers of the constitution relied; and are we about to pass it by, as of no account in the defence of the country? Sir, we have fallen upon new, if not unpropitious times. Efforts have been made here, year after year, to give some encouragement to the militia. We have been entreated by the States to turn our attention to the matter, and to place this force upon a more respectable and a more honorable footing; but, as far as my memory serves me, we have never even condescended to take the matter into consideration, while scarce a day passes without an exhortation to increase the army, or to enlarge the fortifications. Sir, I have a confiding reliance on a gallant, patriotic people, that they will never suffer their country to be dishonored; and when they cease to justify that trust, they will cease to have a Government in which they will participate. It is plain to me that our fathers relied upon a navy and the militia for the protection and defence of the country, except in great and urgent emergencies; and I feel an earnest desire that their great principles in this matter, so intimately connected as they are with our future hopes, may not be abandoned. The militia, if properly regarded, is daily becoming more and more effective, by the great facilities for intercommunication which are now afforded by steam. Forces to a great amount may now be suddenly collected at important points along the seacoast, without the fatigue of long and dilatory marches, which must add greatly to our military strength and security. Indeed, the expediency and wisdom of relying upon this force was never, at any moment, more apparent than now.

While I contend for these, as leading matters of a defence founded upon enlightened views of our position and our republican Government, I by no means deny the propriety of fortifying to some extent. The chief cities and places of commercial business ought to have some protection; but I object to such fortifications as that at Old Point Comfort, containing over sixty acres of land, and costing about two millions of dollars. This is a system of defence belonging to standing armies and burdensome taxation. Our republic should shun both. I would construct, at important points, forts of suitable dimensions and strength to guard against surprise or sudden assaults by an enemy. For the rest, I would rely on the emergency. Sir, if the whole coast is to be fortified, and the fortifications are to be of this gigantic character, is not this preparation to be the apology for a standing army, and for an annual expenditure that will oppress and bow down the people under burdens grievous to be borne? If the people would see what comes of splendid Governments, let them look into Europe, and see the laborer toiling through a life of poverty and wretchedness to sustain them. Let them see the inexorable decree which binds him to the earth, and fleeces him with tithes and taxes.

Sir, when the people, or the people's representatives, are captivated with military glory; when the tap of the

drum is heard daily in the street; when a military spirit has seized us; when our thoughts run upon the achievements of arms, the acquisition of territory, the enlargement of our limits; when we become belligerant in our feelings, quarrelsome and overbearing towards our neighbors; when we are for drawing the sword and unfurling the banner to settle every controversy; when, in a word, we begin to play the bully, and to rely on our strength, instead of dealing justly and temperately, the signs of the times must be viewed as ominous of evil, for our institutions are peaceable in their character, and always suffer when touched by the jarring elements of war. Let that state of sentiment be aided by a concentration of public affection in military leaders and a standing army, and we may read our fate in that of Athens under Pericles, republican Britain under Cromwell, and republican France under Napoleon. The transition is easy; and the history of the world shows that, under these symptoms, it is certain, from a free Government to a military despotism. Names usually remain unchanged, but the power is shifted from the many to one. Let me, then, entreat the Senate to be no way instrumental in creating a necessity for a standing army, which is the bane of a free Government. A standing army enjoys no liberty, and knows not how to appreciate it; it is acquainted with nothing but obedience and dependence; it feeds from the public crib, and is too often faithful to the master that deals out its daily bread, or promises it an opportunity to plunder others. All example teaches us, by the melancholy fate of others, to shun this certain destruction. I would listen with strong distrust to all propositions to increase the army, or to erect works which will make such an increase necessary; and so will the people of Massachusetts. Do gentlemen suppose that a people who have been nursed in the cradle of liberty—a people whose soil was once stained with the tread, and whose churches were desecrated by the sports of armies brought here to defend the royal Government—will be seduced from their principles by a proffer to spend in their harbors one or two hundred thousand dollars? Sir, you must come with heavier bribes, if you would tempt the mercenary spirit of that people, or seduce them from their steady, firm, and unchangeable love of public liberty. You must first blot from their memories the history of the Revolution, before you will succeed in teaching them that standing armies are in harmony with our institutions. This scheme, therefore, of placing a fort in each State, will not recommend to us double and triple appropriations, or a lavish waste of public money. The object and the effect are apparent.

No one doubts, Mr. President, that if you insist on finding out how much money can be spent, the military bureaus will send you projects that would absorb the revenues of the earth. Look, sir, at the monstrous sums which this report proposes to disburse for the army and the navy. Sixty-two millions for the former, and seventeen for the latter; making about eighty millions. Sir, such propositions are not to be listened to for a moment. What follows? According to the annunciation just made by the chairman of the Committee on Military Affairs, these estimates are not large enough by one third or more. We should then have forts enough to employ one hundred thousand men in time of war; and how many in time of peace, I know not; but an army at least to absorb like a sponge the earnings of the laborer.

Sir, let us abandon this lavish spirit, and return to the great cardinal virtues—economy in the expenditure of the public money and reform of abuses. I will not, for one, be tempted into a violation of these great principles, under the delusive cry of defence, defence! An honest, upright, and just course of policy will seldom call for any defence. It is the noisy tone of bravado that demands defence, and generally makes it necessary. Let us proceed upon the old and safe principles: deal justly, and cease to hunt for injuries and to give provocation, and we shall have few wrongs to redress. I have no objection to beginning new works where they are necessary, as I believe most of those in this bill are; but I cannot vote for these long and extravagant appropriations. I have said that great forts are not necessary; and in proof of this, and that nothing urgent presses upon us, I do not recollect that any town, however poorly fortified, was ever entered by an enemy's ship, from the settlement of the country to this time, except in the war of the Revolution, when the British had in the outset possession of most of the important posts. And yet we were, in colonial times, involved in long and bitter wars. These two hundred years of experience, when we were weak, ought to be worth something. The history of them furnishes a striking contrast to the present day—a contrast humbling to our pride. The spirit of chivalry that sustained a feeble community has vanished, and, like tortoises, we are crawling into shells. For one, sir, I have no distrust of the manly courage and patriotism of the people; they will, come what may, save the country from dishonor, unless you teach them to rely for protection upon standing armies.

I have another objection to the present plan of operations. The apology for anticipating the demands for future years is to enable the engineers to make long contracts. This is the most unpropitious of all times to make long contracts; every thing is run up to the highest price, and nothing could be more unwise than to make long contracts at the present value of labor and materials. To force works now, when there is no pressing emergency, would not only be a great waste of public money, but, if extensive new works are commenced, then the United States becomes a bidder for labor and materials against other public works and improvements, as well as against individual operations; and, sir, it requires no sagacity to predict that the weaker party must yield. It has been said that no such effect can be produced, because millions upon millions are expending in New York to rebuild the burnt district, and no such result has followed. Sir, I have before me evidence proving that this course has pressed so heavily on other portions of the country as actually to suspend works under contract.

I have, sir, as all know who have observed my public course, been the unwavering advocate of the laboring class of the public. My most sincere desire, at all times, has been, that they should realize a just and liberal compensation for their work; for no other state of things can give a vigorous prosperity to the country. These opinions remain unaltered. I am still under the firm belief that labor must be well paid, to make a happy and well-regulated community. But how is labor best encouraged? How is it that employers in this country can afford to pay higher wages than are paid for like services in Europe? One great reason is this: public improvements here have been pushed forward to an extent unexampled. The canal, for example, from Lake Erie to Albany, opens a line of water communication thousands of miles in extent, and brings into action the resources of a vast country which before were dormant. A barrel of flour may probably be delivered from the Lakes at New York at less expense of transportation than a like transit of fifty miles over land in Germany. Here, then, labor acts with a power of production unknown in Europe. It can make more grain; send into the market more of the fruits of its action in all ways; and hence it is justly entitled to more compensation. Such is the effect of all internal improvements, all facilities of transportation, which bring products at less expense into the market. Every line of railroad opens new resources, gives employment to new capital, and to labor invigora-

ted action, because it has more material at cheaper rates to work upon. How deeply interested, then, are all laborers in internal improvement! How anxious ought they to be to advance them! With these views, I have felt a most anxious solicitude to prevent the public money from being lavished away on objects that will yield little lasting benefit to the public, when it may be distributed among the States, and be made instrumental in advancing the interests and prosperity of the people. Sure I am, if the States should have a little aid in this way, great lines of rapid and cheap communication would soon penetrate them, infusing fresh vigor into agriculture, manufactures, and all the multifarious objects upon which labor acts. If you give to a man two acres of fertile land to cultivate, instead of one, it will be his fault if he does not produce more, and make his situation better. I must, therefore, be permitted to say that the interests of the people demand, imperiously demand, the distribution of the surplus in the Treasury, to be expended for their benefit, instead of being lavished upon unnecessary measures of defence.

Sir, in the course of this debate I have heard the surplus heavily and bitterly denounced, and fortifications recommended in its stead. The people themselves have been harshly characterized as scrambling after the public money. The people scrambling after it; after their own property! You took it from them, have no need of it, and now they call on you to return it. This is denominated scrambling! Sir, the people are not scrambling; but the scramble is here, in these halls, and among the pet banks, to keep the people's money from them by devising new schemes of defending the country, and by making appropriations years in advance. The scramble is to keep what does not belong to you; and, sir, the public are not so blind as not to comprehend this. They understand to whom this money belongs, and will not be satisfied to have a few favored individuals enjoy the use of it. There must, sir, either be a surplus, or such a profligate and wasteful expenditure as has never been witnessed. This cannot be disguised. It must be met, and gentlemen must choose the alternative they mean to take. On this point I join issue with all who favor lavish schemes, to waste the public money under guise of defending the country. It is to keep the money from the people, to prevent their being benefited by it. It is declaring to them they cannot be trusted with their own property; but the Government, ay, the Government, as their guardians, must hold it and waste it, to advance selfish schemes, and to enlarge its influence, by the all-subduing and corrupting power of money. What stockholder of all these banks, when his property has been advanced from par to thirty per cent. advance by the public deposites, will not be silenced in his opposition to all abuses of power? Talk of corrupting the people, and their scrambling after the money! It is now employed in a more effectual way than to diffuse its benefits among the whole public. Its seductive power is now felt, for it works out certain conversion: and the question is, shall it perform this corrupting office, or shall the people have it? Let this be the issue; let the people understand that this is the reason for double and triple appropriations in advance, and for preventing the distribution under the land bill.

Our true policy is to return to the old and safe course of policy. Give up the double and triple appropriations. Keep the expenditures on a reasonable footing, and let the people have the benefit of the great balance which will remain. It is theirs, and they know how to spend it; and, allow me to say, they will see and understand where the scramble is.

Mr. NILES said that as the Senate had been occupied one week or more with the debate on this bill, he had supposed that the discussion of the general principles of it were terminated; and he had been somewhat surprised at the observations of the honorable and distinguished Senator from Massachusetts, [Mr. DAVIS,] who had just taken his seat. He felt reluctant to detain the Senate, or to renew this debate, yet could not forbear to notice some of the remarks of the Senator, as he felt bound to do this in justice to himself and those with whom he acted. The honorable Senator, if not in direct terms, at least by fair inference from his remarks, has assigned to the friends of this bill positions which they do not, I apprehend, assume themselves, and the justice of which they by no means acknowledge. So far as respected himself, he disavowed the positions in which the Senator seemed disposed to place the friends of the bill. The gentleman can select what ground he pleases for opposing this measure; but he could not assent to his assigning to him, as one of its friends, a position which he had not taken, and which he did not approve.

The Senator seems to charge those who support this bill, as not having proper confidence in the navy, and as not placing a sufficient reliance on that as a means of defending the maritime frontier. Sir, said Mr. N., so far as I know the sentiments of the friends of this measure, this is entirely incorrect and unjust. Fortifications, to the extent that they may be necessary for the defence and security of our towns and harbors, are not only not incompatible with a main reliance on the naval force for the protection of the maritime frontier, but they form an essential part of that system of defence. Fortifications at proper points are not only required to defend our towns, but equally so for the shelter and security of our ships. In case of war, we cannot expect at all times and in all places to have a naval force superior to that of the enemy on our coast.

But I pass from this point, as my principal object was to notice what the honorable Senator said concerning the militia. He remarked that Senators seemed to forget that our principal reliance in war, and our sole reliance in peace, was on the militia; on an armed body of citizens. In this opinion he fully concurred. It was a noble sentiment, correct, just, and patriotic; and he congratulated the Senate and the country on this evidence of the progress of sound doctrine, and in a quarter where he least expected it. He rejoiced to hear sentiments so just and correct, from so distinguished a gentleman, who has occupied so prominent a position, and possessed such commanding influence, in a leading State in the eastern section of the Union. But he feared that the gentleman was somewhat singular in his views, or somewhat in advance of his political associates. Sir, said Mr. N., I had supposed that the party to which that Senator belongs had for many years, and particularly since the last war, endeavored to degrade, disorganize, and break up the entire militia system. Such, he knew, had been the case in his own State; and although he could not speak with the same confidence of others, yet he believed such had been the tendency of their influence generally. That party, in his own State, had for many years, individually and collectively, exerted a steady influence, unfriendly and injurious to the militia; they had passed numerous laws calculated to derange the system, destroy its efficiency, and bring it into disrepute. These laws, in many of their provisions, had been in direct conflict with the act of Congress of 1795, providing for organizing the militia of the States. The last fatal blow in this work of degrading and destroying the militia, was given during the panic session of 1834. Then it was, sir, that, with an Executive fresh from this hall, where for six years he had been instructed and enlightened in the true theory of our Government, and the great principles of civil liberty, the Legislature gave the finishing stroke, and completely prostrated the militia system. And this was done in a way, and under circumstances, that I hardly dare to men-

tion, lest I should expose myself to the imputation of casting discredit on my own State.

[Here Mr. BENTON requested Mr. N. to state the facts to which he alluded.]

Sir, said Mr. N., I will state them, for the discredit cannot be in the relation, but in the acts themselves. Whilst the Legislature was in session, some of those patriotic citizens who had been long engaged in attempting to degrade the militia, got up a mock military company, composed of boys and young men, dressed in the most fantastic mock uniforms, and with arms of every description, both wonderful and strange, and music like the sounds of rams' horns. This company of patriots, after being marched about the streets, was paraded before the State-house, where the grave and wise legislators, who had been deputed to take care of the interests and honor of the State, so far lost sight of both, so far forgot what was due to themselves and to their constituents, as to leave their places to witness this contemptible and ridiculous spectacle. But this was not all, nor the worst. The same day, and apparently under the influences of this mock military exhibition, they pass the act to which I have referred—a law to disorganize and degrade the militia of the State. But in this instance, as in many others, the people were in advance of their representatives. This unworthy proceeding aroused a spirit which contributed, with other causes, to produce a change in the councils of the State; and at the very next session of the Legislature the obnoxious act was repealed, and the militia re-established on that basis on which they were placed by the act of Congress passed in 1795. Among the consequences of the proceedings referred to, was one (whether advantageous to the State or not, he would not say) which had been of some importance to himself.

Sir, said Mr. N., I have long believed, and many years' experience has added to the strength of the conviction, that the militia system—the system of armed citizens, of combining citizens and soldiers—the system which unites not the sword and the purse, but the musket and the ballot, was a fundamental part of our political institutions. And when he had witnessed the precedence of sentiments hostile to it, and the tendency of influences calculated to degrade and subvert it, he had trembled for the liberties of his country; believing, as he did, that this part of the system could not be destroyed, without endangering the whole fabric. He had felt it a duty to say what he had on this subject, because he could not consent to be placed in a position unfriendly to the militia, or to silently suffer an inference to be deduced, unsupported and unfounded as he believed it to be, that those who supported this bill did not rely mainly on the militia for the defence of the country. This objection of the Senator could have no force as applicable to this bill; although he would admit that it would apply with great weight to a comprehensive plan of fortifications, based on the principle of its combining in itself the means of a complete defence of the maritime frontier. Such a system might seem to exclude a reliance on the militia, and to be intimately connected with a standing army, or a large military force. But this bill only provides for defending cities and harbors from floating batteries; and as much confidence as he had in the militia, he could not believe that the native courage and muscular arm of the ploughman and mechanic were a safe reliance, or the proper kind of force, with which to defend our towns against naval batteries. But if the honorable Senator from Massachusetts [Mr. DAVIS] thinks the militia a better force for the defence of seaports than fortifications, and his distinguished colleague should concur in the same views, he should be willing, and presumed the majority of the Senate would consent, to strike out the fortifications for the State they represent, merely to oblige the honorable gentlemen.

I must again, said Mr. N., express my gratification that the militia system—that system of popular military power—had found so able and distinguished an advocate as was the Senator from Massachusetts, in the ranks of the old federal party; a party which it had often been said was honest, but mistaken. He had never doubted that it was mistaken; and had sometimes half believed that, in its better days, it was honest. It was mistaken in many of its principles; but its greatest and most fatal mistake was, the want of confidence in the people. He could well remember the time when that party, if willing to trust the people with arms in their hands, were not willing to trust them with votes in their pockets—when nothing short of a freehold was believed to be sufficient to render it safe for those who were intrusted with the defence of the country to have a voice in its political affairs. There was one other remark of the honorable Senator which he could not forbear to notice. It was with surprise and astonishment that he heard this bill characterized as presenting a bribe to the people of the State represented by the Senator, and which, he thought, they would indignantly spurn. A bribe! What have we here that deserves to be viewed in so odious a light? Is a proposition to defend the population in our seaports, to be regarded as an attempt to bribe them? The defence of the country is the first, most important, and most sacred duty of this Government. It was this which led to the formation of the old confederacy; and, from that day to the present moment, it has constituted the strength of the bond of our union. Sir, said Mr. N., this charge, harsh enough, let it proceed from whom it may, is peculiarly so when coming from the quarter it has. Are the advocates of that extraordinary measure, the distribution scheme—a measure which bears upon its very face the design of bribery and corruption—to charge the friends of this bill with attempting to bribe the people, because they propose to defend them? Such imputations come with an ill grace from that quarter. Sir, no measure, which is clearly within the regular, legitimate, and constitutional sphere of the action of this Government, can be justly regarded in the odious light of a proffered bribe. It may be impolitic, unwise, and even wasteful; but it cannot partake in any degree of the character of bribery. No, sir, it is only when we overstep the bounds of the constitution; when, departing from our prescribed limits, and penetrating into those of the States, we attempt to accomplish objects over which we have no rightful control, by applying the revenues of this Government, that our measures become justly obnoxious to the charge of bribery. It is not difficult to perceive that it is schemes like these which have called forth the opposition to the measure now before us. Their corrupting and pernicious influence is already felt on every measure that comes up for consideration. That the Senator from Massachusetts is under this influence, he has furnished sufficient evidence. He asks if the public funds could not be more usefully employed in developing the resources of the country, and seems to suppose that railroads will be more efficient than fortifications for the defence of the country. This, he believed, was a new advantage claimed for railroads, but thought it might not be more unfounded than some other public benefits, which were anticipated from them. But whatever other results may follow their introduction, he (Mr. N.) thought that railroads would not entirely supersede the necessity of fortifications. He had seen enough to satisfy him that it is the disposition to seize upon the surplus as the means of carrying on works of this kind, which produced the objections to this bill and embarrassed our entire legislation. The mischievous influence, which was foreseen and foretold by the opponents of that scheme, we now witness. We ought, perhaps, to feel under obligations to the gentlemen for their

readiness to verify our predictions; they seem resolved that we shall have the reputation of prophets, and to leave nothing for us to do to acquire this reputation. I have read, said Mr. N., of two brothers in England, who became fanatics, and imagined that they had the gift of prophecy; among other predictions, they foretold the death of their mother on a certain day; but as the good lady did not value the reputation of her sons as prophets sufficiently to be willing to establish it at so great a sacrifice, she obstinately refused to die; and, to avoid the imputation of being false prophets, they were obliged to murder her. But the advocates of the distribution scheme, who now talk about defending the country by railroads, impose no such hard terms on the opponents of that scheme; and, although they may not be willing to sacrifice their lives, they volunteer their declarations and votes, to confirm our predictions and establish our reputation as true prophets.

To this and every measure involving expenditure, the distributors discover serious objections; they complain, they remonstrate, they cannot be satisfied; and although they do not tell us in so many words the true source of their objections, it is sufficiently manifest it is the surplus, which they want for other purposes. Sir, said Mr. N., we are informed of an ancient people, for whom much was done, and great exertions made for their benefit; they were led out from a land of bondage, and conducted safely through the wilderness to a goodly land; yet they were not satisfied; they murmured; they complained; they found fault with their leader; they could not be satisfied with the manna of the wilderness, although sent down from Heaven; but when the true cause of their complaint was discovered, it was found that they all sprang from a longing and hankering after the "fleshpots of Egypt." So it is with those who murmur against this bill; the true secret of their opposition is, a longing after the surplus, a hankering after the fleshpots of Egypt. That the honorable Senator from Massachusetts is under this influence, is perfectly manifest; he is thinking about the fleshpots; he wants a part of the surplus to complete the western railroad his State is constructing. But the citizens of that enterprising and wealthy State are abundantly able to accomplish that work without looking here for aid. It is within the means of individuals, and certainly within those of the State. Let them go ahead, then, with the work, and rely on their own resources; he wished them success, although rather skeptical as to the benefits and influence of railroads on the general prosperity. He hoped the gentleman would think no more of the surplus, nor longer cherish a hankering after the leeks and onions of Egypt, but rely on the ample resources of his State; and in that he trusted that the objection to this measure will not appear so insurmountable.

Mr. DAVIS said there seemed to be no great disagreement between the Senator from Connecticut [Mr. NILES] and himself. The gentleman, said Mr. D., seemed to have been so great a lover of these "fleshpots," that he is not willing to let us have any. He was glad to have the Senator going along with him, and that he would not raise an army to eat up the militia. He hoped that as the gentleman had seemed to consider the standing army not the proper means of defence, in accordance with the spirit of our constitution, he would not go for these fortifications, that would require an army to maintain them.

[The Senate adjourned without the vote being taken.]

WEDNESDAY, MAY 25.

LOUISVILLE AND PORTLAND CANAL.

The bill to authorize the purchase, on the part of the United States, of the private stock in the Louisville and Portland canal, was taken up as the general order.

Mr. HENDRICKS said, that, having reported this bill to the Senate, it would no doubt be expected that he should give an explanation of it, and he would ask the attention of the Senate a short time for that purpose. This bill (said Mr. H.) is based on a memorial of the Louisville and Portland Canal Company, referred by the Senate to the Committee on Roads and Canals. The memorialists state the whole cost of the canal, the interest the Government has in it, the dividends it has declared and is declaring, and the present and increasing productiveness of the stock; and go on to say that, notwithstanding all this, much remains yet to be done to make the canal what it is capable of being made, and what it must be made, before it will be capable of accommodating the immense and rapidly increasing trade of the western country; and that the individual stockholders do not think it a duty incumbent on them to make additional expenditures *pro rata* with the federal Government. They pray that the tolls accruing on the stock owned by the United States in the canal may be appropriated to improving the canal, until it shall be rendered as capable as may be required to give all proper facilities to the trade passing through it, or that the tolls belonging to the United States may be relinquished for the benefit of those who pay toll.

The memorialists declare their object to be to relieve the commerce of the West from the burden of the tolls which now go into the Treasury of the United States, either by causing those tolls to be expended in improving the work, or by reducing the tolls in favor of those whose business requires them to use the canal. They, therefore, pray that an act of Congress may be passed, authorizing the Louisville and Portland Canal Company to retain the dividends that may be declared on the Government stock, and to disburse the same in improvement on the canal; or that an act may be passed authorizing the company to retain the dividends on the stock belonging to the United States, and appropriate them to their own use, on condition that they reduce the present rates of toll twenty per cent.

The committee, however, have not adopted either of these propositions. They have not been able to see how the commerce of the West can be materially relieved by expending the Government dividends in enlarging and improving the canal--if, indeed, the work be already what it has heretofore been represented to be, and what the committee supposes it to be, capable of answering fully the purposes for which it was intended. Nor has it been perceived how the commerce of the West can be permanently benefited by permitting the company to appropriate to their own use the Government dividends, on condition that they reduce the present rates of toll twenty per cent.; for the time will soon come in which the commerce of the West will swell the dividends of the company to the maximum of their charter, or a tariff of tolls twenty per cent. below the present rates; and whenever that time shall come, the company would, if this proposition were adopted, be receiving the tolls on Government stock, without giving any consideration therefor; and western commerce could not be benefited by such arrangement between the company and the Government.

The committee believe that the great commerce of the West ought not to be in the hands, or subjected to the control, of any company; but that the canal should belong to the Government, and be made free; and they have adopted a proposition, made by the company some three years ago, to purchase the stock of individuals, take the control of the canal, and take off all the tolls, except so much as shall be necessary to keep it in a state of preservation and repair; enlarging it, also, as the business of commerce shall require.

The committee have therefore reported a bill author-

izing the Secretary of the Treasury to purchase up the individual stock, provided so much of it can be procured at par value as will give the United States the control of the company; leaving the regulation of the tolls, and the whole matter afterwards, for the future legislation of Congress. The object of the bill is the purchase of the stock, the control of the canal, and that it be thrown open to the free navigation of the commerce of the West, charging such tolls only as will be necessary to preserve it and keep it in repair.

The second section of the bill authorizes the Secretary of the Treasury, in the event of his being unable to purchase in the individual stock, to dispose of the Government stock, on the principle that it is useless to retain a quantum of stock which will give no control whatever of the canal, and in the expectation that, if the individual stock cannot be purchased at par, the public stock can readily be sold at par. The stock, however, is above par in market, and has been sold as high as seventeen and a half per cent. advance; and that which the committee hesitated most about was, the price which ought to be offered for the stock. Par value has been adopted, in the belief that the stock ought not to be considered as valuable as the present price in market would indicate. Various reasons might be given for this opinion, such as the reasonable demand of the western people that this canal should be made free; the adverse interest of the whole country to the company monopoly there; the unceasing war of western commerce upon this company—a conflict so permanent and so unequal, that the interests of the company must necessarily yield, and that at no distant day; and, if on no other principle, upon the principle that private property may be appropriated to public use, giving remuneration therefor. But this remuneration ought to be based on liberal justice, instead of the power of the one party, or the weakness of the other. The stock, then, ought not to be considered of value equal to the current market price, which has perhaps no reference to the suggestions just made. The amount authorized to be paid to the stockholders ought to be liberal. We ought, if we err, to err on the right side; to give more than the true value, rather than less; and I, for one, would be willing to give considerably above par. I speak, however, the sense of the committee, when I say par; which is perhaps not far wrong, and which, as I believe, it will be for the interest of the stockholders to take. Another reason why it is the interest of the company to sell at par is, that a canal of equal value—indeed, of greater value—of any capacity, however great, can be constructed on the Indiana side of the river; preventing in this way the undisturbed enjoyment of the monopoly in the Louisville and Portland canal.

This bill is based on the principle that the canal should be made free, and that it is the duty of the federal Government to remove the obstruction to the navigation at the falls of the Ohio. This has been a serious and solitary obstruction to the navigation of the western country ever since its first settlement. It is a fall of twenty-four feet in a distance of two miles, where the river is broad and interspersed with islands, rocks, and crooked channels, making the navigation for light boats extremely dangerous, and prohibiting the passage of heavy boats altogether, during the low stages of water in the summer and fall seasons. This has, to a certain extent, destroyed the navigation of the river altogether, and produced great delays and heavy expenses in drayage around the falls; which, perhaps, never costs less than one dollar per ton.

To remove these obstructions, the Louisville and Portland canal was made. It was expected, when undertaken by the stockholders, that the work would not cost more than half a million, and that its assessment upon western commerce and river-faring men would be lightly felt and cheerfully borne. But the fact is far otherwise. The company inform us that so great has been the capital expended in this work, and so heavy the necessary tolls upon it, that it imposes a tax on western commerce, which, in many instances, it is unable to bear. This has given rise to the great and general discontent which exists in relation to this work, and to the pressing and importunate demand of the western country that the canal may be made free. To give some idea of the condition of this public work, the Senate will indulge me in giving a short history of it. It was first authorized by a charter granted to the stockholders by the Legislature of Kentucky, in January, 1825, with a capital of $600,000. The company were required to commence the work in eighteen months, and finish it in three years. But the work was so much procrastinated by unforeseen difficulties, and probably by the want of experience in those who had the management of it, that additional legislation, giving further time, was asked for and granted. The same, and perhaps other special causes, also conspired in greatly increasing the expenditure and cost of the work; and the company contracted heavy debts, in addition to the capital originally chartered, for the progress of the work. Of the stock first chartered, Congress subscribed $233,500, and became to that extent interested in the concern. Finally, by act of the Kentucky Legislature, the company were authorized to issue stock, or to sell stock sufficient to pay the debts contracted by the company, to finish the construction of the canal, and to pay the interest which had accrued upon loans, and upon moneys advanced by the stockholders. In this process the stock of the United States was increased to $290,200, the present amount of Government stock. And the whole cost of the canal, from its commencement to its completion in November, 1832, is upwards of $950,000. The charter is unlimited in its duration, and the company are authorized to charge a toll of eighteen per cent. upon the whole cost of the construction.

The present tariff of tolls is forty cents per ton, United States measure, on the boats passing through it, no matter whether empty or loaded; and this is a charge upon boats and commerce which cannot be sustained. It stops much of the upward bound trade, and causes delays, transhipments, and porterage at Louisville and Portland, injurious to commerce, and onerous upon the consumers of articles thus improperly taxed. A steamboat, for instance, employed in the trade between Louisville and St. Louis, measuring one hundred tons, will pay $80 per trip; and suppose she makes a trip a week, she will pay to the canal, in one year, about $4,000—almost her whole value. A large boat leaving New Orleans with full freight, and discharging at Natchez and other ports as she ascends the river, a fourth, a half, or perhaps three-fourths of her load, before she reaches Portland, cannot afford to pay the toll on her whole admeasurement, and has to terminate her voyage below the falls, however much she may desire to visit the ports above. This state of things is so greatly injurious to the commerce and prosperity of the whole country, that it cannot much longer be borne. The representatives of the western country are imperiously required to look to this state of things, and to have it changed. They are, or their constituents are, all interested in this matter. There is not one congressional district in the valley of the Mississippi, but has a direct and positive interest in this affair. The people will require us to do our duty, and the subject cannot any longer sleep. The expenditure necessary for all this is about $700,000, less than three-fourths of a million; while millions almost without number have been expended, and are expending, upon the seaboard, for the

benefit of commerce, in breakwaters, and harbors, and piers, and sea-walls, all along the coast; and where, too, it is now proposed to expend the whole surplus revenue on such like objects, together with fortifications and ships of war.

The remaining inquiry of importance, and the only one, seems to be, is this canal such a work as can be expected to accommodate the interests of western commerce and navigation, or not? The description given by the board of directors is believed to be correct. It accords with other opinions on the same subject. It is represented as being entirely capable of answering all the purposes for which it was intended; abundantly sufficient to meet all the demands of business which can reasonably be expected for years to come. This canal is about two miles in length, constructed for the largest steamboats, and to overcome a fall of twenty-four feet in the Ohio river. Its substratum is a ledge of limestone rock in its whole length, through which it is cut at various depths, averaging eight feet; and this is overlaid with a stratum of earth, in depth about twenty feet. These, with the embankments of earth, make the canal forty-two feet deep. It is fifty feet wide at the bottom, and two hundred feet wide at the top; the sides being well sloped and walled. The height of water in the canal varies from four to forty feet, according to the stage of water in the river. When the river is very low, there is more water in the canal than in the river; for instance, when there is but ten inches of water in the falls, and eighteen inches on the bars above and below them, there is four feet of water in the canal; and the canal has the greatest depth until there is seven feet water upon the bars. After that depth, there is greater depth in the river on the bars than in the canal.

There are one guard lock and three lift locks, all combined; and the line of lock wall exceeds nine hundred feet. The guard lock is 190 feet long in the clear, 42 feet high, and 50 feet wide. The lift locks are each 185 feet long in the clear, 50 feet wide, and 20 feet high; all based on solid rock. The stone masonry in these locks is said to be equal to that of thirty common locks on the Ohio and New York canals; and the amount of labor on this canal is said to be equal to that on seventy or seventy-five miles of ordinary canals. The canal is a valuable and substantial work; and, however costly its construction may have been, it is no doubt justly entitled to public confidence, and capable of accommodating, for many years to come, the great and growing commerce of the Ohio river. It is susceptible, also, of enlargement to any extent which that commerce may hereafter require.

The land belonging to the company is 350 feet wide, and two miles long, with some additional lots; in all, about one hundred acres; containing favorable sites for water power and dockyards. The canal, then, is a valuable and permanent work--a work well calculated to remove, in the hands of the federal Government, the obstructions to the navigation at the falls of the Ohio. It ought to be purchased up and made free, levying such tolls only as may be necessary for its preservation and repair. Public opinion and public justice demand this at our hands; and Congress will surely not hesitate to do this, unless, indeed, it be determined to abandon western commerce to struggle with its own difficulties, and to withhold entirely from its aid and protection the arm of the federal Government. And is the commerce of the West in all time to come to be taxed more than many of its articles are able to bear? Are the bulky and low-priced agricultural productions of the country to be excluded from the markets of the South in all future time, because of the heavy tolls they are subjected to at the Louisville and Portland canal, or at any other canal? Are expenses of transhipments, delays, and the damages of goods, or the still heavier tax of portage around the falls, forever to be endured? For the continuance of such parsimonious policy as this, it is believed that no adequate reason or good excuse can be given. The federal Government have the protection, as well as the regulation, of all the commerce of the country, domestic as well as foreign, assigned to its care; and surely the more remote from the tide-water and the ocean it is, and the greater its difficulties of tedious and dangerous river navigation, the more does it need the protection of this Government. When the domestic commerce of the country shall have passed the dangers of a long and tedious river navigation, and arrived at the safe harbors and depots of the Atlantic ocean or the Gulf of Mexico, it will much less need the aid and protection of this Government. What, Mr. President, is the commerce of many of the noblest rivers of the Atlantic States--the Delaware, for instance—when compared with that of the Ohio and Mississippi rivers? And yet we see millions expended in the Delaware, in a splendid breakwater, besides vast sums in almost every Atlantic harbor, and bay, and river, all around the coast, saying nothing about the magnificent fortifications on the whole line of seaboard, from the British dominions on the northeast, to the mouth of the Sabine. In this view of the matter, will it then seem unreasonable that the States and the people in the great valley of the Mississippi should expect and demand, at the hands of the federal Government, this single, solitary commercial facility at the falls of the Ohio?

And how much, Mr. President, is it proposed to expend for the benefit of foreign commerce, and for the advantage of the seaboard, according to official propositions, in various shapes and forms, now before the Senate? It is proposed to expend not only the whole surplus revenue now on hand, (and the Secretary of the Treasury tells us that this is about thirty-eight millions,) but it is proposed to mortgage the revenue of years to come, in increasing the navy; in constructing floating steam batteries; in building fortifications on land and in the water; and in furnishing ordnance, arsenals, and munitions of war. All this for the benefit of foreign commerce, for without foreign commerce we should have no need of a navy; but for this, we should not hoist a flag upon the ocean; but for foreign commerce, we should not be in danger of collision with any trans-Atlantic nation. Commerce and navigation were the cause of the war in 1812; and these interests will, in all probability, be the cause of all the wars with civilized nations which we shall ever be engaged in. We must, however, have commerce with distant nations, and that commerce must be protected. For this purpose we must have a navy; and I, for one, am willing to vote the means of an efficient one; of one that shall be able to cope with any hostile fleet that can be expected ever to hover upon our coast. But I wish, at the same time, to urge the claims of domestic commerce, and call to its protection, also, the aid of this Government. What, sir, are the amounts proposed for the military and naval defences of the country, or for the protection of foreign commerce? which is the same thing. This amount I take from the official documents on our tables. For ordnance, small arms, and munitions of war, a fraction less than thirty millions; for increase of the navy, seventeen million seven hundred and sixty thousand dollars; for fortifications, thirty-one million five hundred and sixty-one thousand two hundred and sixty-eight dollars; amounting, in all, to about eighty millions of dollars. Can it, then, be possible that Congress will hesitate about this expenditure of a fraction of a million for the benefit of domestic commerce in the West? Let it be remembered, too, that the foreign commerce of this country is, to its domestic commerce, small and diminutive; and that

the agricultural productions of the western country, which seek the markets of the Gulf of Mexico, are already much greater than those of the eastern or Atlantic cities.

When speaking, Mr. President, of the propositions for this extraordinary expenditure of eighty millions, in the military and naval defences of the country, let me not be understood as referring to the document from the Secretary of War, which is sanctioned by the President. Far from it. That document, in the main, has my entire approbation. It is worthy of the source from which it comes, and gives us opinions on these subjects which we shall probably all approve of, now that the excitement and danger of a French war is over. It is agreed, however, on all hands, that, our means being ample, we should look to a more perfect and permanent state of defence, as a means of avoiding war as well as of repelling aggression. And surely the internal prosperity of the country, as far as that is intrusted to the care of the federal Government, in the regulation and protection of domestic commerce, ought to be no secondary object. The domestic commerce which floats on the noble rivers of the West to the markets of the South, that supplies the consumption of the cotton and sugar regions, that enters into and becomes a portion of the exports, or that creates and enlarges the still more valuable and important coasting trade, must not be abandoned, or left without the protection of this Government, on its way to the markets of the Gulf stream.

What, Mr. President, is the magnitude of the interest making this appeal to your justice? It is, sir, the whole country west of the mountains; and there is no portion of it, however remote, without an interest in the very question now presented to the Senate; a country almost unlimited in extent, and perhaps unparalleled and unequalled in the salubrity of its climate, the fertility of its soil, the magnificence of its rivers, its agricultural productions and commercial facilities, by any region of country on the face of the earth; a country extending from the Allegany to the Rocky mountains, from the Gulf of Mexico to the great northern lakes—a circle whose diameter is more than two thousand miles; a country having many thousand miles of steamboat navigation, and admirably adapted to internal improvement by roads and canals; a country which half a century ago contained fifty or a hundred thousand inhabitants, and which at the present time contains near six millions; and one which will be capable of sustaining, when population and cultivation shall have reached their maximum in it, hundreds of millions. It is a larger country than China, and capable of sustaining as great a population. This country asks you to do—what? It asks you to appropriate out of your thirty-eight millions of surplus revenue, which you do not know what to do with, less than three fourths of one million in favor of its commerce and navigation, in the removal of the obstructions at the falls of the Ohio. Sir, can it be possible that there will be any the least hesitation in the present Congress in doing all that this bill requires? Let this subject be viewed in its proper light, and the principle of this bill will certainly and promptly be adopted. Should the details of the bill not please the Senate, let them be amended. Is par value not enough to offer to the acceptance of the stockholders, let it be increased, or let the attention of Congress be directed to the improvement of the other side of the river. It is easy to see that there is something in this proposition which can never slumber or sleep. The people interested in the navigation and commerce of the Ohio river, have petitioned Congress upon this subject until they have become tired of petitioning. The prevailing discontent upon this subject is general, and deeply felt. The representatives of that country in the Congress of the United States will be required to do their duty. The petitioning of the people thus far has been but the distant murmur in the western breeze, but it will become louder and louder, and speak in tones and accents which will command obedience of their own representatives, and attract the attention of members from all other sections of the Union.

I might go on, Mr. President, to swell the importance of this matter, by going into statements showing the already great and daily increasing magnitude of the commerce of the West, to show how much of western production entered into the foreign exports of the country, how much into the coasting trade, and how much into the consumption of the South; but I forbear. I do not feel it necessary or proper much longer to detain the Senate with any thing I can say about it. A glance will present it more fully to the mind of every Senator, than any description I could give. On a former occasion (said Mr. H.) I entered into a calculation of this kind, based on the official statement of our exports of a previous year. On the present occasion, I have not gone into any such calculation. Indeed, there is not anywhere sufficient data for such calculation. We have no means of ascertaining the amount of our agricultural productions which go into the consumption of the South, or of ascertaining with accuracy the amount of millions which float upon the Gulf stream. These go into the foreign trade, the exports of the country, or fall into the channel of the coasting trade. This great amount has been variously estimated. On one occasion, not long since, and on the floor of the Senate, it was computed at sixty or seventy millions. But he would no longer occupy the time of the Senate.

Mr. CRITTENDEN and Mr. PORTER severally addressed the House in support of the bill.

Mr. HENDRICKS moved to amend the bill by providing that the stock may be purchased at a price not exceeding 12½ per cent. above par value, instead of at par.

Mr. WALKER opposed the amendment. He would gladly support any measure calculated to relieve the commerce of the West from the burdens imposed on it by the extravagant tolls of this canal; but he could not, consistently with his views of the constitution, vote for a measure which would make the United States joint partners in a stock company, and a collector of tolls. He viewed this as a revival of the system of internal improvements in its worst form; and it was, in his opinion, equally objectionable for the United States to collect tolls at the locks of a canal as at the gates of the Cumberland road.

Mr. BENTON spoke in favor of the amendment; showing the great importance of purchasing out this stock to relieve the commerce of the western cities from the injurious burdens now imposed on it. Mr. B. spoke of the tolls on this canal as being now double as much as they were at the commencement; and said they were so extravagant that he regarded them more as a fine or a penalty on the boats for passing the canal, than as an ordinary toll. Boats, he said, in some instances, paid as much in a year for tolls as the whole amount of their cost, and sometimes more than the amount of profit divided among the stockholders; while the extravagant charges on flat boats and keel boats were such that the rough boarding put up at their sides to keep in the loose articles was calculated as being part of their tonnage, thus charging thirty or forty dollars toll on a common flat boat.

Mr. EWING, of Ohio, said that the proposed measure, or something equivalent to it, was of very great importance to the western country, and was due to them on every principle of justice and policy We annually appropriate very large sums on the Atlantic seaboard to open harbors, to remove bars, and to erect light-houses;

all for the purpose of aiding the foreign commerce and the coasting trade of our country. Now, (said Mr. E.,) the navigation upon the Ohio river partakes of the nature both of foreign commerce and of coasting trade. The trade which is carried on upon that river and the Mississippi, between New Orleans and Pittsburg, a distance of two thousand miles, is as fairly a coasting trade as that between Mobile and New York, on the Atlantic coast. The only difference is, that we have a coast on both sides of two great rivers, and on but one side of the ocean. In a national point of view, the commerce in both cases is the same in character and value, and both alike require the aid and protection of the nation.

Those rivers are also the great channel through which the produce of a very large region finds its way to the ocean, and thence to foreign countries. If there be an obstruction to its navigation, that obstruction, whether it be a bar at the mouth of the Mississippi, which all admit we should remove, or a fall fifteen hundred miles from its mouth, it acts alike upon the foreign commerce of that portion of the country which lies above it, and should, on the very same principle, be removed.

The chairman of the Committee on Roads and Canals has very fully explained the nature of this obstruction to our navigation, and the very large amount which the people of the western country are taxed to avoid it. I need not dwell on that part of the subject. But I will take this occasion to say that, heavy as the tolls are, I attach no blame whatever to the enterprising individuals who constructed the canal, and who ought to be well indemnified for their trouble and cost. But the United States ought to relieve the western country of this burden, and it ought to be done on terms that will compensate that company fully for their enterprise, their expense, and their risk. The 12½ per cent. advance on the stock proposed to be given by the amendment is certainly little enough, and, unless that amendment prevail, there is no prospect of procuring the stock.

Messrs. HENDRICKS and CRITTENDEN also addressed the Senate in favor of the amendment; after which, the question on the amendment was taken, and lost by the following vote:

YEAS—Messrs. Benton, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Kent, Linn, Morris, Naudain, Nicholas, Porter, Robinson, Webster—15.

NAYS—Messrs. Black, Brown, Calhoun, Grundy, Hill, Hubbard, King of Alabama, King of Georgia, Leigh, McKean, Mangum, Moore, Niles, Rives, Ruggles, Shepley, Swift, Tallmadge, Tomlinson, Walker, White, Wright—22.

Mr. CRITTENDEN then moved to amend the bill by striking out the proviso in the first section, which is in the following words:

"*Provided*, That so much of said stock can be procured at par value, within the present year, as will give the United States the control of the company."

And also the second and third sections of the bill, which read as follows:

"SEC. 2. *And be it further enacted*, That, if it be found impracticable to purchase the stock agreeably to the foregoing section of this act, then the Secretary of the Treasury is hereby authorized to sell the United States stock to said company at market price, not below par value.

"SEC. 3. *And be it further enacted*, That the Secretary of the Treasury shall vote for the president and directors of said company, according to such number of shares as shall belong to the United States at the time of giving such vote; and to receive upon said stock the proportion of the tolls which shall from time to time be due to the United States."

And to insert at the end of the first a proviso that the price of the stock shall not be more than twelve and a half per cent. above the par value.

After some remarks from Messrs. LINN and WALKER,

Mr. BENTON thought a majority could go for it, if a little time were allowed to regulate its details. He wished, therefore, that it might lie over until to-morrow morning. This was one thing he was in favor of. He was informed that the tolls were doubled, and he was in favor of a reduction of them. They were enormous at first, and they were now no longer tolls, but a fine—a penalty; a penalty on those who went through. Owners of boats had shown him how enormous the amount was. There were boats that had, in two or three years, paid as much toll as the original amount of the cost of the boats themselves. And loose boards, that were used to keep the loading in, were actually charged as tonnage in weighing the boats. He wished to obviate the imposition, as far as the United States was concerned.

Mr. B. concluded by suggesting the following as an amendment:

"And from and after the passing of this act, no toll shall be collected on any stock owned by the United States in the said canal."

Mr. EWING, of Ohio, considered the vote upon the amendment as absolutely decisive of the fate of the bill, and he had no wish to press it further; for, without the amendment, the whole measure will be idle and illusory. The owners of that stock will not sell it to the United States at par; they ought not, and it would be an act of crying injustice, if it be in our power, to coerce them to do so. And I confess (said Mr. E.) I witnessed the vote on the measure with surprise and disappointment. There are gentlemen in this body who are of opinion that Congress ought not to appropriate public money for the improvement of our bays, and harbors, and rivers, under any circumstances whatever. Those gentlemen have pursued consistently their course, followed out their principles, and voted against this, with every other measure of the kind. But they form a small minority in this body; and when our northern brethren ask for an appropriation for the improvement of their harbors, the construction of breakwaters, beacons, lighthouses, fortifications, any thing to facilitate or to protect their commerce, we of the West unite almost to a man in their support, and always secure them a majority; but now, sir, when this great western measure—a measure in which the commerce of the whole West is deeply concerned—a measure entitled to more of the favor of the nation, considering the extent of interest involved, than any which has been agitated for years, we find a large portion of the friends of these improvements in the East, those with whom we have always gone steadily, faithfully, thoroughly, when similar measures affecting their interests have been involved—we find them, sir, ranged on the side of our opponents; and this, our favorite measure, defeated by their votes. This, sir, I again repeat, is painful, unexpected; it will be deeply felt, and not soon forgotten.

Mr. WEBSTER next addressed the Senate, as follows:

Mr. President: I regret the warmth with which my friend from Ohio, [Mr. EWING,] and my friend from Louisiana, [Mr. PORTER,] have spoken on this occasion. But, while I regret it, I can hardly say I blame it. They have expressed disappointment, and, I think, they may well feel disappointment. I confess, sir, I feel disappointment also. Looking to the magnitude of this object—looking to its highly interesting character to the West—looking to the great concern which our western friends have manifested for its success—I feel, myself, not only disappointment, but, in some degree,

mortification, at the result of the vote which has now been taken. That vote, if it stands, must be decisive of the success of the measure.

No doubt, sir, it is altogether vain to pass this bill, unless it contain such provisions as will induce the stockholders in the corporation to part with their interests.

In the first place, sir, why do we hear so much reproach and denunciation against the members of this corporation? Have they not hazarded their property in an undertaking of great importance and utility to the country? Has not Congress itself encouraged their enterprise, by taking a part of the stock on account of the Government? Are we not ourselves shareholders in this company? Their tolls, it is said, are large. That is true; but then, not only did they run all the risks usually attending such enterprises, but, even with their large tolls, all their receipts, up to this hour, by no means gives an increase on their capital equal to the ordinary interest of money in that part of the country.

There appears to me very great injustice in speaking of their tolls as "fines" and "penalties," and unjust impositions; or of their charter as an odious monopoly. Who called it so, or who so thought of it, when it was granted to them? Who, but they, were willing to undertake the work, to advance the money, and to run the risks and chances of failure? Who then blamed, reproached, or denounced the enterprising individuals who hazarded their money in a project to make a canal round the falls of the Ohio? Who then spoke of their tolls as impositions, fines, and penalties? Nobody, sir. Then, all was encouragement and cheering onward. The cry was then, Go on, run the hazard, try the experiment; let our vessels and boats have a passage round this obstruction; make an effort to overcome this great obstacle. If you fail, the loss, indeed, will be yours; but if you succeed, all the world will agree that you ought to be fairly and fully remunerated for the risk and expenditure of capital.

Sir, we are bound in all justice and fairness to respect the legal rights of these corporators. For one, I not only respect their legal rights, but I honor their enterprise, I commend their perseverance, and I think they deserve well of the community.

But, nevertheless, sir, I am for making this navigation free. If there were no canal, I should be for making one, or for other modes of removing the obstructions in the river. As there is a canal, now the subject of private ownership and private property, I am for buying it out, and opening it, toll free, to all who navigate the river. In my opinion, this work is of importance enough to demand the attention of Government. To be sure, it is but a canal, and a canal round the falls of a river; but that river is the Ohio. It is one of those vast streams which form a part of the great water communication of the West. It is one of those running seas which bear on their bosom the riches of western commerce. It is a river; but, to the uses of man, to the purposes of trade, to the great objects of communication, it is one of those rivers which has the character of an ocean. Indeed, when one looks at the map, and glances his eye on all these rivers, he sees at once water enough to constitute or to fill an ocean, pouring from different, distant, and numerous sources, and flowing many thousand miles, in various channels, with breadth and depth of water in each sufficient for all the purposes of rapid communication and extensive trade. And if, in any portion of these inland seas, we find obstructions which the hand of man can remove, who can say that such removal is not an object worthy of all the attention of Government?

Whoever, Mr. President, would do his duty, and his whole duty, in the councils of this Government, must look upon the country as it is, in its whole length and breadth. He must comprehend it in its vast extent, its novel character, its sudden development, its amazing progress, confounding all calculation, and almost overwhelming the imagination. Our rivers are not the rivers of the European world. We have not to deal with the Trent, the Thames, and the Severn. With us, at least in this part of our country, navigation from the sea does not stop where the tide stops. Our ports and harbors are not at the mouths of rivers only, or at the head of the tides of the sea. Hundreds of miles—nay, thousands of miles—beyond the point where the tides of the ocean are felt, deep waters spread out, and capacious harbors open themselves, to the reception of a vast and increasing navigation.

To be sure, sir, this is a work of internal improvement; but it is not, on that account, either the less constitutional, or the less important. Sir, I have taken a part in this great struggle for internal improvement from the beginning, and I shall hold out to the end. Whoever may follow, or whoever may fly, I shall go straight forward for all those constitutional powers, and for all that liberal policy, which I have heretofore supported.

I remember, sir—and, indeed, a very short memory might retain the recollection—when the first appropriations for harbors on the great lakes were carried through this body, not without the utmost difficulty, and against the most determined opposition. I remember when Lake Ontario, Lake Erie, and Lake Michigan were likely to be condemned to a continuance in the state in which nature and the Indian tribes had left them, with no proof upon their shores of the policy of a civilized state, no harbors for the shelter of a hundred vessels, no light-house even to point out to the inland mariner the dangers of his course. I remember even when the harbor of Buffalo was looked upon as a thing either unimportant in itself, or, if not unimportant, yet shut out from the care and the aid of Congress by a constitutional interdiction of works of internal improvement. But, in this case, as in others, the doctrine of internal improvement has established itself by its own necessity, its own obvious and confessed utility, and the benefits which it has already so widely conferred. So it will be, I have no doubt, in the case before us. We shall wonder, hereafter, who could doubt of the propriety of setting free the navigation of the Ohio, and shall wonder that it was delayed even so long.

Mr. President, on the question of constitutional power, I entertain not a particle of doubt. How is it, let me ask, that we appropriate money for harbors, piers, and breakwaters on the seacoast? Where do we find power for this? Certainly nowhere, where we cannot find equal power to pass this bill. The same clause covers such appropriations, inland as well as on the seacoast; or else it covers neither. We have foreign commerce, and we have internal commerce; and the power and the duty, also, of regulating, protecting, aiding, and fostering both, is given in the same words. For one, therefore, sir, I look to the magnitude of the object, and not to its locality. I ask not whether it be east or west of the mountains. There are no Alleganies in my politics.

I care not whether it be an improvement on the shore of the sea, or on the shore of one of these mighty rivers, so much like a sea, which flow through our vast interior. It is enough for me to know that the object is a good one, an important one, within the scope of our powers, and called for by the fair claims of our commerce. So that it be in the Union, so that it be within the twenty-four States, or the twenty-six States, it cannot be too remote for me. This feeling, sir, so natural, as I think, to true patriotism, is the dictate also of enlightened self-interest. Were I to look only to the benefits of my own immediate constituents, I should still support this measure. Is not our commerce floating on these western rivers? Are not our manufactures ascending them all, by day and by

night, by the power of steam, incessantly impelling a thousand engines, and forcing upwards, against their currents, hundreds of thousands of tons of freight? If these cargoes be lost, if they be injured, if their progress be delayed, if the expense of their transportation be increased, who does not see that all interested in them become sufferers? Who does not see that every producer, every manufacturer, every trader, every laborer, has an interest in these improvements? Surely, sir, this is one of the cases in which the interest of the whole is the interest of each. Every man has his dividend out of this augmented public advantage. But if it were not so, if the effect were more local, if the work were useful to the western States alone, or useful mainly to Kentucky and Indiana alone, still I should think it a case fairly within our power, and important enough to demand our attention.

But, Mr. President, I felt the more pain at the result of the last vote of the Senate on account of those western gentlemen, who are so much interested in this measure, and who have uniformly supported appropriations for other parts of the country, which, though just and proper, are, as it seems to me, no more just or proper than this.

These friends have stood by us. They have uniformly been found at our side, in the contest about internal improvement. They have upheld that policy, and have gone with us through good report and evil report. And I now tell them that I shall stand by them. I shall be found where they look for me. I have asked their votes, once and again, for objects important to the Atlantic States. They have liberally given those votes. They have acted like enlightened and wise statesmen. I have duly estimated the high justice and liberality of their conduct. And having now an object interesting to them and to their constituents, a just object, and a great object, they have a right to find me at their side, acting with them, acting according to my own principles, and proving my own consistency. And so they shall find me; and so they do find me. On this occasion I am with them; I am one of them. I am as western a man, on this bill, as he among them who is most western. This chair must change its occupant, another voice will address the Senate from this seat, before an object of this nature, so important, so constitutional, so expedient, so highly desirable to a great portion of the country, and so useful to the whole, shall fail, for the want, here, either of a decisive vote in its support, or an earnest recommendation of it to the support of others.

After some further remarks from Messrs. WALKER, HENDRICKS, and CRITTENDEN,

Mr. EWING of Ohio suggested that it would be better to lay the bill over until the next day, that gentlemen might, in the mean time, consider what shape it would be best to give it, in order to procure its passage.

The bill was accordingly postponed.

FORTIFICATION BILL.

The bill making appropriations for the purchase of sites, the collection of materials, and the commencement of certain fortifications, was taken up; the question being on Mr. BENTON's motion to strike out $75,000 for fortifications at Salem, Massachusetts, and insert "for fortifications at Salem, Massachusetts, $75,000 annually for two years."

Mr. WEBSTER addressed the Senate in opposition to the system of making appropriations in advance; after which, the question was taken, and the amendment was rejected by the following vote:

YEAS—Messrs. Benton, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, Linn, Nicholas, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wright—17.

NAYS—Messrs. Black, Calhoun, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, King of Georgia, Leigh, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Robbins, Swift, Tomlinson, Webster, White.—21.

On motion of Mr. BENTON,

The bill was further amended by increasing the appropriations for fortifications at Federal Point, North Carolina, from $12,000 to $18,000; and for fortifications at Fort St. Philip, from $77,000 to $100,000.

Mr. BENTON then submitted amendments making the appropriations for two years, instead of one, for New Bedford, Massachusetts, New London, Connecticut, Soller's flats, and Fort Barrancas; the questions on which were severally put, and rejected.

The bill was then reported to the Senate, and the questions on concurring in the amendments made in Committee of the Whole, were taken as follows.

The first question was on concurring in the amendment making the appropriation for fortifications at Penobscot bay, $75,000 annually for two years, instead of $101,000, as in the bill.

This amendment was rejected: Yeas 20, nays 21, as follows:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, Linn, Morris, Nicholas, Preston, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wright—20.

NAYS—Messrs. Black, Calhoun, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, King of Georgia, Leigh, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Robbins, Swift, Tomlinson, Webster, White.—21.

The question was next taken on making the appropriations for fortifications at Kennebec, $100,000 annually for two years, instead of $100,000 as in the bill, and also rejected by the following vote:

YEAS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hill, Hubbard, King of Alabama, Linn, Morris, Nicholas, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wright—19.

NAYS—Messrs. Black, Calhoun, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, King of Georgia, Leigh, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Swift, Tomlinson, Webster, White—22.

The amendments for fortifications at Portland, $75,000 per annum for two years, instead of $100,000; and for Portsmouth, $150,000 per annum for two years, instead of $200,000, were also rejected.

The remainder of the amendments made in committee were then concurred in.

Mr. PRESTON then moved to strike out the appropriations for fortifications at Kennebec. He had made this motion, he said, when there was not a full Senate, and it was rejected. He wished, now that the Senate was full, to try the principle, whether appropriations should be made where there were no plans or estimates.

After some remarks from Messrs. PRESTON and CRITTENDEN, this motion was rejected: Yeas 11, nays 29, as follows:

YEAS—Messrs. Calhoun, Crittenden, Ewing of Ohio, King of Georgia, Leigh, Mangum, Moore, Naudain, Preston, Swift, White—11.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Davis, Ewing of Illinois, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, King of Alabama, Linn, McKean, Morris, Nicholas, Niles, Porter, Rives, Robbins, Robinson, Ruggles, Shepley, Tallmadge, Tomlinson, Walker, Webster—29.

The bill was then ordered to be engrossed for a third reading.

PUBLIC DEPOSITES.

On motion of Mr. CALHOUN, the Senate took up the bill to regulate the deposites of the public moneys; when Mr. C. was permitted, by general consent, to modify the bill by adding new sections, the purport of which is, that the unexpended balance remaining in the Treasury, on the 31st of December of each year, except —— dollars, shall be deposited with the several States of the Union, each in proportion to its population; that the Secretary of the Treasury shall notify the Executive of each State that the sum allotted to his State will be paid on the warrant of the Chief Magistrate of said State, or deposited in the State Treasury, at his option; the sum thus deposited with the States to be retained without interest until wanted by the General Government, and that ——— month's notice shall be given before it is withdrawn; that where a State is not authorized by its existing laws to receive the deposite, the sum allotted to it shall be transferred to it on the warrant of its Executive, or deposited in its Treasury, as soon as it shall have passed a law authorizing such transfer or deposite: this act to continue in force till the 30th of June, 1842.

The question then recurred on Mr. WRIGHT's amendment, providing for the investment of the surplus in the Treasury in some safe public stocks, &c.; and it being late in the evening,

On motion of Mr. WRIGHT, the bill was laid on the table, with an understanding to take it up to-morrow.

DISTRICT BANKS.

The bill to extend the charters of certain banks in the District of Columbia, and for other purposes, being the next special order,

Mr. BENTON moved to postpone its consideration for the purpose of taking up the defence bill: Yeas 14, nays 19.

The bill was then read with the amendments as proposed by the committee. The bill was then reported with the amendments.

The amendments were agreed to.

Mr. KING of Alabama moved that the bill, as amended, be printed, and that the bill be postponed and made the special order for Friday; which was agreed to.

ADMISSION OF ARKANSAS.

The Senate proceeded to consider a bill in addition to an act providing for the admission of Arkansas into the Union.

The bill was amended by filling the blank, on the motion of Mr. BUCHANAN, with the words "first day of July."

Mr. EWING, of Ohio, without committing himself on the subject, expressed himself generally in favor of the bill.

After a few words from Mr. PORTER and Mr. WALKER,

The bill was reported as amended, the amendments were concurred in, and the bill was then ordered to be engrossed, and read a third time.

The Senate then adjourned.

THURSDAY, MAY 26.

FLORIDA BANKS.

Mr. WEBSTER offered the following resolution; which was considered and agreed to:

Resolved, That the Secretary of State communicate to the Senate, so soon as they may be obtained, copies of all acts of the Territorial Legislature of Florida, granting or creating banking charters, or any institutions with banking powers and privileges, within the last three years.

On introducing this resolution,

Mr. WEBSTER reminded the Senate that, on the motion of a Senator from New Hampshire [Mr. HUBBARD] a few days ago, a resolution was adopted, instructing the Committee on Finance to inquire whether it was necessary for Congress to disaffirm any of the acts of the Legislature of Florida, on the subject of the incorporation of banks. The whole of the laws of the Territorial Legislatures ought to be returned to Congress every year, and which, perhaps, are sent, but never laid before Congress. It appeared to be very important, at a moment when the rage for the incorporation of banks is so alarmingly prevalent, that these Territorial Legislatures should be restrained in their action on such questions, as the process of disaffirming is sometimes attended with much inconvenience. Something of this kind had taken place in Louisiana, from which that State might yet be visited with inconvenience. He concluded with expressing his hope that, before the termination of this session, the Committee on the Judiciary would present to the Senate some provision, ordaining that all legislative incorporations of banking companies in the Territories shall receive the sanction of Congress before they shall be in force.

FORTIFICATIONS.

The bill making appropriations for the purchase of sites, the collection of materials, and the commencement of certain fortifications, was read the third time.

Mr. KING, of Georgia, said, that having voted for this bill throughout, he wished to say a few words explanatory of the vote he was about to give on its final passage. His motives for voting against it were not from any hostility to its general objects, or to the fortifications which were in it; on the contrary, he was disposed to believe, from the quantity of evidence that had been adduced in the course of this debate, that the fortifications now in the bill should be ultimately added to the defences of the country. With him, however, the question was more as to time, than as to the propriety of the measure. If the report of the Secretary of War, sent in on the 7th of April, was to be relied on, not a single dollar should be appropriated for new works, until a re-examination was had of the whole subject, in order to adapt the system to the present condition of the country. Now his opinion (Mr. K. said) was this: that if this appropriation should be made at the present session of Congress, it would have no effect, but to confine several millions of dollars from the control of the Government, which cannot be expended in the objects for which it was appropriated. If the Secretary should examine these new works before commencing them, with that care and deliberation with which he should proceed, with regard to the works intended for the permanent defences of the country, they would not be commenced before the next session of Congress, and, therefore, there was no necessity for hurrying the appropriations at this time.

Mr. K. said that he did not wish to be understood as committing himself in favor of the plan originally presented by the Military Committee. He never could agree to vote for any plan which changed the whole system so long practised by the Government, and perhaps looked to a change of our institutions. The report of the Secretary of War was, to his mind, a conclusive argument against the present bill, if he had no other objections to urge against it. Mr. K. highly complimented the report of the Secretary, saying that it showed a great mind, as well as a practical talent, well calculated to give to science a practical effect. Taking into consideration that they then were nearly at the end of the session of Congress, and that if they passed the bill it would be departing from the principles of the report, he conceived himself but in the performance of a duty

in asking for a postponement till the next session of Congress.

Mr. CALHOUN observed that this system of fortifications was likely to be run down by extravagant appropriations. It added something like two millions to the usual appropriation bill, and, considering the present prices, at least a million beyond what the appropriations ought to be. As the bill now stood, he felt himself compelled to vote against it.

Mr. BENTON remarked that the reasons given by the Senator from Georgia, why he should vote against this bill, were very proper so far as they were his reasons; but when the Secretary of War was quoted as being opposed to it, he thought it proper to set gentlemen right. Just so often as the Secretary was quoted in opposition to this system of fortifications, so often would he quote his own language. He would read a few extracts from the Secretary's report, in order to show what his opinions really were. Mr. B. then read the following:

"It cannot be doubted but that fortifications at the following places, enumerated in this bill, will be necessary: At Penobscot bay, for the protection of Bangor, &c.; at Kennebec river, at Portland, at Portsmouth, at Salem, at New Bedford, at New London, upon Staten island, at Soller's flats, a redoubt on Federal point, for the Barrancas, for Fort St. Philip.

"These proposed works all command the approach to places sufficiently important to justify their construction under any circumstances that will probably exist. I think, therefore, that the public interest would be promoted by the passage of the necessary appropriations for them. As soon as these are made, such of the positions as may appear to require it can be examined, and the form and extent of the works adapted to existing circumstances, if any change be desirable. The construction of those not needing examination can commence immediately, and that of the others as soon as the plans are determined upon. By this proceeding, therefore, a season may be saved in the operations."

Now, he did not know (Mr. B. said) that it was in the power of language to be more explicit in favor of any object than that of the Secretary of War was of the bill on the table. He must object (Mr. B. said) to any arguments founded on detached expressions in this report, when that same report contained explicit declarations in favor of the bill.

It had been urged by some gentlemen that the season was so far advanced, that it was not worth while to make appropriations this year. How did this happen? It was because there had been a continued struggle to keep off appropriations for the defences of the country; because the Senate had, by yeas and nays, given the distribution bill a preference over such necessary objects; because there had been a continued contest between the defences of the country and the scheme of dividing money; and in that contest the defences of the country had gone to the wall. Gentlemen said that it was now too late in the season to apply these appropriations this year. Well, then, if it was too late, whose fault was it? When this plan of distribution was commenced, it was supported on the ground that it was impossible to use the surplus in the Treasury for the service of the country. Every gentleman in favor of the plan took this position; and yet, when the officers of Government had sent in report after report, showing that this money can be profitably employed for the defences of the country, their judgment was disputed, and disputed, too, on points in which they must necessarily be entitled to credit and respect. Here they were, (said Mr. B.,) while two States and one Territory were reeking with blood and resounding with cries, engaged in dividing surpluses, and dividing them, too, by creating them. Sir, (said Mr. B.,) if this plan goes on, it will put an end to the institutions of the country; it was engaged in contending against the very objects for which this Government was formed—the defence of the country. While they had but a skeleton of an army, whose companies of only fifty men each were reduced to thirty-odd, and while the officers in Florida were continually calling for men to fill up their ranks, the bill for that object could not be touched; it must be set aside to make room for the banks of the District of Columbia. Yes, sir, (said Mr. B.,) the convenience of the banks of the District of Columbia must take precedence over the cries of the bleeding frontiers. He could not but regret that at the last month of the session there should be a further effort to put off appropriations for the defences of the country; that, after having spent the first two months in crimination and recrimination for the loss of the fortification bill of the last year, they should now, at the end of six months of the session, have to struggle hard to get a bill for the same object passed. He wished to call the attention of the Senate and the country to the consequences of this odious principle of distribution. It was going to reduce us to a condition more helpless than we were under the old confederation; for it would reduce us to a dependence not only on the voluntary contributions of the States, but to the leavings of the States after they had cut and carved all they wanted for themselves.

Mr. KING, of Georgia, said he had not voted for the distribution bill, and therefore the remarks of the Senator on that subject could not be made applicable to him.

[Mr. BENTON said they were not intended for Mr. K.]

Mr. K. said neither could the remarks of the Senator, denouncing those who had delayed the bill in its progress, unless he referred to a vote for an adjournment on Saturday evening. He had voted to adjourn very late on Saturday evening, when he believed some of the friends of the bill wished to push it to a third reading. But he had done so only from the lateness of the hour, and thinness of the Senate. That he was justified in that course, had been since proved by the revocation, in a fuller Senate, of every vote taken on that evening.

Mr. K. denied that he condemned the report of the Secretary of War, by voting against this bill under present circumstances. He intended ultimately, in the main, to conform to it. It was an able document. In it we saw the developments of a great mind, well stored with science, and, what was equally important, a practical talent to give that science a judicious and useful application. He again referred to the report, and insisted that the season at which this bill would be passed, if at all, and the attention required of the War Department to another part of our frontier, would reconcile his views with those of the Secretary. The Secretary sent his report the 8th of April; and, as the bill was then before the Senate, he thought most likely it would be speedily acted on. From the business before the House, it could not be finally acted on before July; and he did not think any advantage could be derived from the appropriation, if the examination and surveys should be made before the money was expended. At any rate, the advantage would be too small to justify an appropriation so far in advance, and a departure from the valuable principle of having surveys and estimates before appropriations were made for any work of this description.

Mr. K. said it was true that the Secretary, in one part of his report, had recommended the appropriation under the circumstances stated, and had stated that the Department would have the examination and surveys made before any money should be spent. If we would take the whole report together, however, we could plainly see that the Secretary was yielding something to his friends. He was reporting against the recommendations

of the engineer department, against the bill reported by the Military Committee of the Senate, and against the known wishes of many friends whose opinions he respected. This, he thought, would account for any trifling difference between the Secretary and himself.

The Secretary, he said, had been compelled to throw himself against some of the most extravagant schemes for increasing our military preparations that had ever threatened the country. The whole of them, if adopted, would require at least one hundred millions to begin with. One bureau recommended near thirty millions for providing munitions of war alone. The fortifications proposed by another bureau, and recommended by the Military Committee, would cost near forty millions more; and he had noticed that, in debate in the other House, twenty-two millions were spoken of to arm the militia. The standing army was to be expensively increased; and as to depots, armories, and arsenals, they were almost without number, as their cost was beyond computation.

It would require some Hutton to give us the sum total. Sir, (said he,) to consider the past policy of the Government, and look at the documents on your table, and the views given us from various quarters, one would think he had been dreaming. The wise policy of allowing our citizens to prosper in the enjoyment of the fruits of their labor was to be changed. Every thing seemed to look to vast military establishments. Now, (said Mr. K.,) what I wish understood is, that I protest against all these schemes of heavy expenditures for permanent establishments. They would not only absorb the surplus, but heap new burdens upon us, and curse posterity with tariffs and taxes. We had been reminded of the system of fortifications recommended by Washington, and asked why they could not increase now, in proportion to our wealth and population. This was strange argument. Should we increase the nurses of the infant as he approached the years of maturity? Should we quadruple them, after he had become entirely capable of taking care of himself? We were able now to meet on equal terms any Power on the face of the earth; and all the Powers of Christendom united could not send a sufficient force across the Atlantic to gain a dangerous footing upon our soil. And yet, in this period of strength, we had all at once become alarmed for our safety, and wished to wall the enemy out. Except for our large commercial cities, we wanted no walls but the wooden walls that floated under the command of our gallant navy. We wanted no ramparts behind which to defend our country, except a rampart of bayonets pointed by the steady arms of freemen. Our main arm of defence was the free and sturdy yeomen, who, whenever any daring invader should set foot upon our soil, would always be ready to drop any petty or party disputes, and rally around the standard of their common country.

He said he must confess that, as a democrat, governed by the principles of the old school of democracy, he felt great jealousy and apprehension of the multiplication of these fortifications. If we went on with them as threatened, he feared they might, at no distant day, become the grave-yard of freedom, and the burying-ground of the constitution, instead of the citadels of liberty. Other gentlemen had made predictions, and he would venture one: that was, if these military projects went on as they seemed to have begun; if our coast of three thousand miles were to be frowning with fortifications, and clouded with cannon; if our hitherto peaceful country were to become a great military camp; if every State in the Union were to be hereafter bristling with bayonets, and covered with arsenals, armories, and depots, he predicted we might, in the course of a few years, take the parchment upon which our constitution was written, and cover a drum-head with that, for all the use we should have for it as an instrument to define the principles upon which our Government is to be administered. Every thing would shortly be settled by the sword, the truncheon, and the bayonet. A corporal and his guard would soon be more respected than the Chief Justice and his associates. And, like another great nation which had lately revolutionized in the name of liberty, but, in its sacred name, with a peace establishment of four hundred and ten thousand men, perpetrates every species of tyranny; the prison would, with us also, become the purifier of the press, whilst the bayonet settled our civil disputes. He, therefore, gave notice that he should vote against all these vast projects for changing our system into an expensive military Government, as fast as they might be brought forward. And as to the forts in question, why push them on us without estimates? Was Maine in danger? He hoped she could sustain herself another season against the Brunswickers. John Bull seemed good natured at present, and had even kindly interfered to settle a dispute for us with a belligerant neighbor. But we were told we were refusing appropriations whilst the Indians were cutting the throats of the people. Indeed! And were fortifications in the East intended to protect us against Indians in the West? No appropriations for the West had been delayed a moment, when asked for: and the danger in the South and West was another reason why we should direct our whole attention there for the present, and not be dividing the attention of the War Department with the seacoast, where there was no danger pressing.

Mr. BENTON replied that his allusions to the Indian disturbances in the South had no relation to the fortification bills, but to the bill for filling up the ranks of the army, which had been reported by the Military Committee months ago, and which was also recommended by the Secretary of War; whose fate was so peculiar, that he could not make a report without its being praised on all hands, though the objects he recommended were strenuously opposed. Now the Secretary recommended the filling up the ranks of the army, and a bill in pursuance of that recommendation had been reported by the committee; yet it had been made to yield to this distribution bill. When he referred to the sufferings of the southern frontiers, from Indian hostilities, he did it in connexion with this continually staving off the bill for filling up the ranks of the army, though that army had been reduced under a compact that it was to be filled up whenever the defence of the country rendered it necessary that they should do so; though the skeleton companies of that army of fifty men each did not even contain that number; and though the general commanding in Florida had called upon them in the most earnest manner to fill up their ranks. They could not (said Mr. B.) get that bill considered, though in the midst of summer, and near the close of the session; and though he had attempted to bring it forward by a side movement as an amendment to the volunteer bill, he was still unsuccessful. Sir, (said Mr. B.,) the States are engaged in defending themselves, because neglected by the General Government. The States of Alabama and Georgia are taking care of themselves in the same manner as if the General Government was expunged; and expunged it would be, if this scheme of distribution went on. The State of Missouri would have to take care of herself, to raise her own men, and expend her own money, to protect herself against the 50,000 Indians placed on her borders by the General Government, bountifully supplied with money, with arms, and with horses, and amply prepared for offensive operations. When this wretched scheme of distribution came to be surrendered, he supposed that the States would be reimbursed for what they should be compelled to expend for self-defence; but he much feared that, until then, they would have to take care of themselves.

Mr. WALKER said he had participated in no portion of the debate on this bill, and had designed giving a silent vote in its favor; but that the observations of his friend, the Senator from Georgia, [Mr. KING,] rendered it necessary that he should explain the grounds upon which his vote was given. Mr. W. said he was not in favor of a large standing army in time of peace, or of fortifying the whole line of seaboard. He was for such an army only as was indispensably necessary to occupy important posts on the coast or frontier, or in exposed situations in the country: an army very little exceeding our present number would be sufficient. He was only for fortifying important positions, upon the principles recommended in the admirable report of the Secretary of War, and sanctioned by the President. He would not, as other Senators had done, commence by eulogizing that report, and conclude by opposing its important recommendations. Gentlemen had said that this bill would subvert the liberties of the country—that armies and military array would cover the whole Union. Mr. W. had seen none of those formidable armies, none of those bristling bayonets, that seemed to alarm so many Senators. The neigh of the war-horse, or the sound of the cannon, had not reached his ear, as one of the consequences of this measure. The defence of the country was a constitutional injunction: it was one of the main objects for which the constitution was formed: it is due to the States—it is due to the people. And when was this defence to be made? When war had commenced? No, (said Mr. W.) It was the maxim of Washington, in peace to prepare for war. And how prepare, unless by fortifying those important points on the coast, by which, if undefended, an enemy's fleet might sail into our harbors, and burn our cities, and destroy our people? Mr. W. could not perceive how we were destroying the country by defending it. And now we are asked to substitute distribution for defence; to abandon the defence of the country, in order to distribute money, and that money the proceeds of the sales of the lands of the West.

This fatal distribution bill was to surrender the coast undefended into the hands of a foreign enemy, and to deliver up the new States as the colonies of the old members of the confederacy. This distribution of the proceeds of the sales of the public lands originated in a report of a tariff committee of the House in 1829; and the same committee which first proposed this distribution distinctly stated that it was necessary to give the old States a direct interest in the income of the public lands, in order to prevent any further concessions to the new States, or reduction of price. [Here Mr. W. read an extract, proving this statement, from this report.] Here was the effect of this distribution scheme, distinctly conceded by its authors to be a project to render it the interest of every old State to oppress and ruin the new States; and it is for this scheme we are asked to abandon the defence of the country.

Sir, (said Mr. W.,) this distribution scheme is, in another way, an enemy to the defence of the country. Reduce the price of the public lands in favor of actual settlers, and enable the poor but honest laborer to obtain at a low price a farm, and a home of his own to defend and protect, and you strengthen his arm and nerve his heart in the hour of gloom and danger. Increase the number of farmers and cultivators of the soil, and you increase the truest and surest defenders of the country. But these men are to be sacrificed by this distribution bill. Yes, (said Mr. W.,) the bill which refuses to reduce the price of your public lands is as hostile to the interest of the poor but industrious laborer of the old as of the new States. Open the lands of the West to purchase at a low price to poor settlers, and the laboring man of the North may defy the power of his wealthy employers. He may say, Pay me better wages, or I will go and become a farmer in the West. This distribution bill, then, is a bill to bring down the wages of the working-men of the North, and to place the poor in the power of the wealthy. This (said Mr. W.) was one of the effects of this distribution scheme, which would be made known to the working-men of the North—a scheme to prevent their ever being enabled to become farmers and freeholders; to give them a home which would be indeed their own, instead of diminishing their wages, by forcing them to remain dependent for their daily bread upon such miserable pittance for their labor as their wealthy employers might choose to give them; a scheme to retard the settlement of the new States, and to pauperize the laboring men of the old States, for the benefit of wealthy capitalists and powerful chartered monopolies; a scheme to plunder the new States for the benefit of the old States, and to oppress the poor man in every quarter of the Union.

Gentlemen say the militia is the best defence of the country. Be it so; but are they the friends of the militia, the friends of the people, who would expose them to defend every important point without fortifications, and without cannon? who would make freemen the sole breastwork against which hostile artillery is to be directed, and cause streams of American blood to flow, solely because important points and harbors had no fortifications? Sir, (said Mr. W.,) I consider the lives of American freemen as above all price; and to save and protect them I would, if necessary, pour out the last dollar in the Treasury. Sir, (said Mr. W.,) it is because I am opposed to large standing armies, that I am for this bill. Leave the coast undefended, and you invite foreign aggression; you increase the chances of war, and thus increase the probable necessity for standing armies. Mr. W. said he had been instructed by the Legislature of Mississippi to endeavor to obtain a military depot at the flourishing and beautiful town of Columbus, upon the Tombigbee.

Mr. W. said he had laid these instructions before the Military Committee, which has reported a bill embracing the contemplated object; which bill will become a law, if we do not abandon defence for distribution. Mr. W. said he had also carried through the Senate a resolution requiring a survey of the coast of the State of Mississippi, and the islands in its vicinage, to ascertain if there were any proper judicious sites for fortifications. If such sites were found in that quarter, (Mr. W. said,) he would ask for forts to be erected there also, for the defence of Mississippi and her people, and commerce upon the Gulf. But he would vote for no unnecessary fortifications in any section of the Union. Whilst millions, in times that are past, have been expended for other States, Congress has, in fact, done little or nothing for Mississippi; and (Mr. W. said) he should, upon all proper occasions, press her claims upon the consideration of the Senate, with a deep conviction that she would yet receive justice at the hands of the General Government, by a reduction, in favor of actual settlers, of the price of the public lands.

Mr. KING, of Georgia, said the remarks of his friend from Mississippi compelled him to say a word further to reconcile his views with the general principles of the report. If he had any pride as a politician, (and he had not much,) it was the pride of consistency. That he might be perfectly understood, he would read a few words further from the report, which he had not read before. Mr. K. then read from the 21st page:

"But before any expenditure is incurred for new works, I think an examination should be made in every case, in order to apply these principles to the proposed plan of operations, and thus reduce the expense of construction, where this can properly be done, and, also,

the expense of garrisons required to defend works disproportioned to the objects sought to be attained."

This was the wise language of the Secretary, approved by the President, and in which he entirely concurred. He believed, however, that the season would be so far spent before this bill could pass, that this examination could not properly be made and acted on before the next session. We, therefore, had no inducement to tie up additional millions in the deposite banks so long before needed, and also depart from the principle of having surveys and estimates, when there was no emergency that justified such haste in the appropriation. His friend was for "reasonable defences." So was he. In the abstract, they agreed exactly. He feared only they would differ when they came to settle what was reasonable.

The Senator had very candidly acknowledged that one of his reasons for voting for this bill at this session was, because he looked on it as "antagonistical" to the distribution bill. He would make a further appeal to the candor of his friend, and ask him if he were not sensible that this was the only reason he had for voting for the bill? [Mr. WALKER said no, he had other reasons.] He had no doubt the Senator imagined he had, or he would not say so. Mr. K. could not think that many of his democratic friends would ever have thought of the enormous appropriations at the present session, and this among them, but for that fatal surplus. "The surplus!" "the surplus!" ay, that was at the bottom of all our troubles. It was the root of all the evils that, he feared, might grow out of the proceedings of the present session. He acknowledged its possession gave us much embarrassment, and surrounded us with perils; but he hoped we would live through them. He cared nothing for the surplus. Would to God that fifty millions of the public treasure could be thrown into the crater of Vesuvius, or sunk in the ocean, unless we could devise some means to get rid of it, that would not fix a permanent and growing curse upon the country. He cared but little for land bills, distribution bills, or graduation bills, which had been referred to: and as to the surplus, gentlemen might do just what they pleased with it, so they did not plant it in prodigality, that it might grow up and branch off into future expenditures that would ultimately overshadow and impoverish the land.

A useless expenditure, he said, was not only the loss of the amount thus expended, but was the fruitful seed of other and greater expenditures. It grew up and branched off like a polypus. Having once taken leave of the rules of necessary expenditure, we were soon governed by no rule at all. Waste begat corruption, and corruption begat more waste; and thus, by a reciprocating influence, useless expenditure became both effect and cause, and ultimately led to that system which he was anxious to avoid; that was, the expenditure of money as an end, instead of a means. If no safe distribution could be made then, he implored gentlemen, after making necessary expenditures, to let the surplus alone. But it was said the banks would break, and we should lose the money unless we got rid of it. Well, let them break. He should shed no tears over their misfortunes, nor mourn over the losses of the Government. Better that a thousand charters of private corporations should be forfeited, and millions lost to the Government, than our constitutional charter should be forfeited, and our liberties lost. Better submit to the acknowledged evils of the surplus, than encounter greater evils by its improper expenditure. He only wished that we should adhere to the system under which we had grown and prospered beyond any example the history of the world had ever furnished. The great secret of this prosperity was the economical system heretofore pursued, of having the citizen lightly taxed, to enjoy the fruits of his own labor, by which we had become a nation of producers. He wished to continue this system, and not, like other nations, by a large Government patronage, sustain one third of the nation in splendid idleness and glittering vice, devouring the bread earned by the honest industry of the remainder.

Mr. CRITTENDEN said when he remembered how formidably the Senator from Missouri announced that he and his friends constituted the majority of the Senate, and that some responsibility would thereafter devolve on them, he considered his rebuke as intended for his friends, and not for those opposed to the administration. Mr. C. said it was but in accordance with parliamentary proceedings to interpose dilatory motions, to defeat any measure before the Senate for its action. He preferred, himself, however, to meet this bill directly, and wished it were in his power to take upon himself the whole responsibility of defeating it; and would then consider he had done some service. If the Senator, in saying there was no surplus, meant to say the capacity to squander, indicated by these appropriations, transcended the capacity to accumulate, then he admitted there was no surplus. In regard to Penobscot, they were told that the appropriation was not equal to, but would require treble the amount to complete it; and so it was said of other fortifications, and all under the term of national defence; and were they, he asked, at the tap of the political drum, to fall into this unbounded system of extravagance and wastefulness, and deprive the people, to whom this money belonged, from a general participation in its advantages? But a plan was proposed to invest it in a train and chain of fortifications, from Maine to Florida. He agreed with the Senator from Georgia, that it was better to bury it in the ocean, than to squander it in this way, and entail upon us the train of evils that would follow. A standing army would follow this system, as certainly as the shadow followed the substance. In time of war, it was said not to be patriotic to stop for estimates, and it seemed that peace was not time to wait for them; so that they were to be made belligerants from beginning to end; and peace itself, it seemed, was made for war. When they had constructed all these fortifications, a tax would have to be raised to garrison them, for which six thousand men would be necessary, who would require a perpetual tax of two millions of dollars to support them. They were, in fact, sowing these fortifications like dragons' teeth, over the land, from which hosts of myrmidons would spring up, to eat out the substance of the citizens. Last year, in the prospect of a war, two millions was all that was necessary; and now, in time of peace, that sum bore but a small proportion to the amount proposed to be expended for defence. He admitted there were some points on the seacoast, where forts, &c. were necessary, and he would go for them; but he was opposed to this system of fortification as a means of general defence. It was, among other reasons, too costly for a general system. It was admitted by the Senator from Mississippi that the militia was the main arm of our defence; but he was for placing them behind these fortifications, which Mr. C. thought would tend to destroy their spirit of valor and patriotism; and when they became too good to stand out in the danger, let them stay home, said he, and sustain a mercenary army to fight for them, under cover of these fortifications.

But what, he asked, did our militia do at Bunker's Hill, and what did they do at New Orleans? The very argument in favor of protecting our citizens behind walls, required but one step further to create a standing army. It was the honor, the right, and the privilege of the citizens to defend their country; and he would as soon see them surrender their right of suffrage as to yield to this.

If this bill passed, they would appropriate not less than six millions of dollars, and there would be a beating up

for labor along the whole line of fortifications. Penobscot would beat up against Kennebec, and Kennebec against Penobscot, and the Government would be beating up against itself from Penobscot to New Orleans. By adding to expenditures in one part of the country, it was taking the amount expended from another part; and he asked what right they had to take the labor of laboring men from one portion of the country to another. If this bill was antagonistical to the land bill, it followed that, as that bill had passed the Senate, this must be defeated, especially as this was a scheme to prevent it from going into effect. He went against this bill for the reasons he had given, and would prefer leaving it in the banks, rather than appropriate the money in this way. While gentlemen looked upon the paltry distribution of the surplus at Kennebec, Portsmouth, &c., to use a figure of speech of the Senator from Connecticut, [Mr. NILES,] they wanted to stick their forks into the fleshpots of Egypt alone.

It seemed the people could not be trusted with an equal distribution of the surplus among them, on account of their susceptibility to corruption; while the Senate alone claimed the priority of calling on the aid of engineers and a host of officers to superintend its expenditure. He should hardly suppose the Secretary of the Treasury could get his natural rest in watching these various projects for disposing of the surplus, which were sometimes overcharged, and sometimes undercharged.

The Senator from Missouri had sneeringly and contemptuously said, that while here engaged in the work of dividing the surplus, they had refused to take measures for the defence of the frontier against the Indians. He would like to know how the distribution bill had interfered with appropriations for that object.

[Mr. BENTON said he would tell the gentleman. It had interfered in this way. They had reported a bill, under the recommendation of the Secretary of War, to fill up the skeletons of our regiments, and they could not get that bill considered.]

Mr. C. continued. The general commanding there had in command ten men for one opposing him; and if he had not succeeded in his expedition, it had not been for want of men. He intended to cast no reproach on the soldiers; but he thought perhaps fewer would have done better; and, accordingly, he did not know that any of them were accusable for that negligence.

[Mr. BENTON said the gentleman never read the report of the general commanding in Florida, or he would have known it.]

Mr. C. continued. They had not refused any appropriations for that object, but had hurried them through without estimates. He had a deep settled conviction that this system of fortifications was pregnant with mischievous consequences that ought to alarm the country. It was an extravagance and waste of the people's money, from which they would reap a poisonous harvest; and the time would come when we should have no surplus, and when we should be called on to raise by taxation some two or three millions of dollars per annum for the support of a standing army.

Mr. WALKER said he would detain the Senate but a few moments in reply to some of the strictures of the Senator from Kentucky [Mr. CRITTENDEN] upon his remarks. That Senator said that to support the system of fortifications would destroy the martial spirit of the people, by placing them in forts where there was no peril in the conflict, no hazard of life, and none of that glory and excitement arising from their exposure to danger in the open field in defence of their country. Mr. W. said that, if exposing to danger the lives of our people upon a naked and defenceless coast was the best means of infusing into our citizens a martial spirit, it was one of those means that had escaped the sagacity of all writers upon the art of war, and was against the experience of all the nations of the world. The musket and rifle were one means of defence, artillery a second, and forts a third; and upon the principle that should induce us to abandon the third, we should also abandon the second, in order to increase the loss upon our side, and augment the glory and danger of the combat, and thus infuse into our people a more martial spirit. But (said Mr. W.) will this danger and glory call back from the grave our slaughtered citizens? Will they check the widow's sigh, or dry the orphan's tear? Will they give back your cities from pillage and conflagration? Will they return to their homes and country that patriotic militia who were wantonly sacrificed, mowed down by thousands, because the Government had refused to erect the necessary fortifications to repel invasion? To me (said Mr. W.) there would be no glory in such a spectacle. Our true glory consists in saving an effusion of American blood; in sparing the lives of our citizens; in conquering with as little loss upon our side as possible. If any other man than the patriot Jackson had commanded at New Orleans, that city, and the whole commerce of the West, would have been sacrificed for the want of the necessary fortifications. The object is to defend the country with as little loss of life as practicable; and hence it was behind cotton-bale ramparts that the riflemen of the West obtained at New Orleans that great and glorious, because to us a bloodless, victory. And when the victory was gained, and many an ardent officer applied to their great commander for liberty to pursue and capture the army of the enemy, "No," said the veteran patriot, "my object is accomplished—the defence of New Orleans; and I would now rather pave with gold the way of the enemy beyond our limits, than sacrifice, in search of glory only, the life of one of my soldiery." Whilst some gentlemen (said Mr. W.) denounce the bill, because they say it will destroy the martial spirit, others oppose it because it will make us too belligerant. Indeed, the same Senators have used these irreconcilable and contradictory arguments. How the bill could at the same time destroy our martial spirit, and yet render us too belligerant, Mr. W. could not understand.

Mr. W. said he had heard not one sound practical argument against this bill; it was all vague and general denunciation. Those opposed to the bill, eulogized the report of the Secretary of War, and conceded the propriety of defending important points; and (said Mr. W.) is not every point, the fortifying of which is proposed by this bill, an important point—a point within the express recommendation of the Secretary of War? These honorable Senators, then, upon their own principles, should support this bill. It is a bill to defend important points, and those only; and if we do not intend to abandon the whole system of fortifications, and leave the entire coast naked and defenceless, and open to the hostile navies of the world, to burn our cities, and destroy the lives and property of our people, we must support this bill. The opposition to this bill, with specific appropriations, is a singular commentary upon the course of those Senators who excused themselves for opposing the three million fortification bill, because its appropriations were not specific. We have just escaped (said Mr. W.) the horrors of a foreign war, with our coast and harbors entirely defenceless; and as Omniscience only can determine when the danger may recur, preparation against foreign aggression is the best means of avoiding it, and a solemn duty which we owe to the States and people of this Union. "Millions for defence, not a cent for tribute," is a principle, when properly applied, that should never cease to influence every American statesman, and which, he hoped, would operate upon the present occasion.

Mr. RIVES said he agreed with several of the gentlemen who had spoken against this bill, and particularly

with his friend from Georgia, [Mr. KING,] in the principles advanced by them in regard to a general system of fortifications; but he differed from them as to the application of those principles to the measure under consideration. He believed that the idea of defending a seacoast of more than three thousand miles in extent, by fortifications, was wholly visionary and impracticable; and that the attempt to do so would involve the country in endless expense, and saddle the nation with burdens, in one form or another, which they would never be content to bear. But, while this was so, there were particular positions which, from their peculiar importance, as commercial towns, or as naval stations and depots, all admitted, stood in need of special defences, and ought to be fortified. The question upon the present occasion, then, is not whether a general system of fortifications along our extended line of seacoast is judicious and proper; but whether the particular points provided for in this bill ought to be fortified. He understood his friend from Georgia distinctly to admit that the places proposed to be fortified by the present bill, are such as ought to be provided with adequate defences; but his objection to the measure was one of time—that these places were exposed to no immediate danger, and that we should proceed with more deliberation.

But surely, sir, (said Mr. R.,) a period of peace is the only time in which we can suitably prepare for the exigencies of war. We ought not to wait until war has actually burst upon us, before we put ourselves in a posture to meet it. We have now an overflowing Treasury, and every day brings forth some project for the distribution or absorption of our surplus. The dangers, too, which we have recently escaped, (for all admit if war had unhappily been the issue of our late difficulties with a foreign Power, we should have found ourselves in a very unprepared condition for it, both as to our land and naval defences,) admonish us impressively to repair, with as little delay as possible, the error of our past improvidence.

If, then, the fortifications provided for by this bill ought ever to be made, no time can be more appropriate or more convenient for the commencement of the work than the present. As to the propriety of these fortifications, they are justified even by the principles of the honorable Senator from Kentucky, [Mr. CRITTENDEN;] for, strongly opposed as he is to a general system of fortifications, he yet admitted that places rendered important by their commerce, or as stations or building yards for our navy, ought to be fortified.

Now, sir, bring this bill to the test of these principles. Is not Portsmouth the seat of one of our most important naval depots at the North? Is not New York a place of sufficient commercial importance to merit the care of the Government in providing for the defence of the immense interests, private and public, collected there? Would not the honorable gentleman also, in the liberal patriotism with which I know he is animated, comprehend Baltimore, standing among the first commercial towns of the Atlantic; New Orleans, the emporium of the West; and Pensacola, our great naval station on the Gulf of Mexico, within the scope of that degree of commercial and naval importance which entitles them to the protection of fortifications? I mention these places (said Mr. R.) as a specimen of those provided for in the bill. The others, if not sustained in their claims by precisely the same considerations, have yet in their favor special military reasons, which have secured to them the full sanction of the Secretary of War in that able and judicious report which has been appealed to on all sides as the standard of a sound and rational policy on this subject.

Gentlemen have indulged in general denunciations against a system of fortifications. In the zeal of their opposition, they have pictured our whole coast as frowning with ramparts and blackened with cannon. They have told us of the mischiefs and dangerous impolicy of extravagant appropriations for such objects. In all this (said Mr. R.) I heartily concur. But is this bill such a measure? It does not provide for a general system of fortifications upon our seaboard. It selects a dozen points only, of peculiar importance, or peculiar exposure, and proposes to furnish them with suitable defences. It has not been alleged by any gentleman, in the progress of the debate, that the appropriations made by the bill for these fortifications are beyond their probable and necessary cost. What ground is there, then, for the imputation of extravagance? Gentlemen seem to have forgotten the important changes which this bill has undergone since its presentation to the Senate. Of the nineteen fortifications originally embraced in the bill, seven have been stricken out. From the aggregate of its original appropriations, more than a million of dollars have been subducted; leaving the measure, in its present shape, conformed to those maxims of necessary and practical defence, and of wise and economical expenditure, which, I trust, will ever be observed in the operations of this Government.

Mr. R. declared his utter opposition to those visionary and extravagant schemes of fortifications which had been concocted by the engineer bureau. He had great respect for the patriotism as well as the talent of that corps; but they had been deluded by their professional enthusiasm, and an exclusive devotion to a favorite science. When they gravely talked of "shutting out war, and all its more serious evils, from our territory," by a chain of fortresses of more than three thousand miles in extent, and thus rendering our coast impervious to an enemy, he must look upon their plans as the offspring of theoretic enthusiasm, however patriotic, rather than the result of safe calculation and of sound practical judgment. Happily for the country, the enthusiasm of professional science had found a check in the vigorous common sense and the cool and sagacious intellect which preside over the War Department. The Secretary, in his admirable report of the 7th of April last, had established the landmarks of a sound and rational policy on this subject. That report, he trusted, would be the chart by which our legislation would be governed. It was a recurrence to the principles of Washington and Jefferson; and eminently seasonable at the present moment for arresting schemes of plausible though unprofitable expenditure, which, by an invariable law of nature, spring up in the hotbed of a redundant Treasury. It was a monument of the wisdom and patriotism of the Secretary, and entitled him to the thanks of the country.

Mr. R. said his friend from Georgia, [Mr. KING,] conscious of the weight of this high authority, had sought to bring it to his aid by reading a passage of the report, in which the Secretary speaks of the propriety of previous surveys to determine the plan and the extent of the proposed fortifications, in every case, before the commencement of the work. But the Senate will remark that the survey is spoken of there as a condition precedent to the expenditure, not to the appropriation, of the money. On the contrary, the Secretary expressly recommends that the appropriations be made now for all the fortifications embraced in this bill, as a season will be thereby saved in the prosecution of the work; but adds that, "before any expenditure be incurred, an examination should be made" by a board of officers, in order to adapt the plan of the work to the principles laid down in his report. Now, sir, (said Mr. R.,) this is precisely what I think ought to be done. He attached, he said, great importance to these surveys, and to precise and definite plans founded on them. They

served as checks on wasteful or injudicious expenditure, and to fix responsibility. He relied on the declaration of the Secretary, that they would in every case be made; and we had by this very bill, in pursuance of the recommendation of the Secretary, appropriated thirty thousand dollars for the expense of a special board of engineers, to enable him to have these surveys satisfactorily executed. He relied, moreover, that the plans of the engineers would, in every case, be subjected to the careful revision of the Secretary; that they would be brought to the arbitrament of a stern, practical common sense, proportioning the magnitude of the works to such probable contingencies of sudden attack or surprise as they might be exposed to in the event of war, but without any reference to the extremely improbable hypothesis of a regular and protracted siege, which had already caused several fortifications (of which there was a striking example in his own State) to be projected on a scale of vastly disproportionate magnitude and expense.

It was with this understanding of the measure, that he would cheerfully give his vote for the bill under consideration. He believed it, in its present shape, entirely consistent with the maxims of a wise economy, appropriate to the abundant means now afforded by the national Treasury, demanded by a provident and patriotic regard to the public safety, and especially due, in some of its provisions, to a portion of the country (alluding to the ports of Maine and New Hampshire) which is peculiarly exposed by its position, and has been heretofore destitute of protection. At the same time, he hoped he would not be considered by any one as relaxing in his determined adherence to those principles of democratic policy alluded to by his friend from Georgia, which inculcate frugality and simplicity in the administration of the Government, and a paramount reliance on the body of its citizens for the defence of the country—principles, on the rational observance of which, he firmly believed, with that gentleman, the success of our institutions vitally depended.

Mr. WEBSTER observed that no charge could be more unjust than that which ascribed to the Senate any delay in the fortification bills. He must say that, whatever had been recommended for the defences of the country, had received the utmost degree of the attention of the Senate. With respect to this bill, the question was not one of strict principle, but of expediency. Every man must see that the project of fortifications might be carried out to an unreasonable extent; but this bill could not be considered in that light. They came to its consideration, not as it was when first presented to them, but as the Senate had now made it; and the question was, was it liable to the strong objections that had been urged against it by the Senator from Kentucky and the Senator from Georgia. He was inclined to think that the great objections expressed to-day had been imbibed against it in its general form. What were the provisions of the bill, as it now stood? It was said that it created no fortifications at points not heretofore fortified. This was not a true state of the case. It proposed some new works, it was true; but in more than one half of the instances, it proposed to fortify points at which fortifications had heretofore existed.

Before considering this bill further, he wished to notice the grounds on which the policy of fortifications rested. For what purpose should fortifications be made? To keep an invading army out of the country? Certainly not. He looked for no other defences against an invading army than those contemplated by the Senators from Georgia and Kentucky—the armed freemen of the country, and the navy of the United States. He did not look upon fortifications as defences against an invading army or navy. If these, then, were not the objects of fortifications, for what purpose should they be constructed? The object was to secure such fortified places against a sudden attack, even by a small force; for the greatest army and navy in the world could not give the assurance that a single ship would not enter into a harbor and destroy all the property there. He knew no other object for which fortifications should be constructed. Take, for instance, Penobscot. The object was to defend that place, not against an invading army or navy, but against any sudden attack that might be made on it. He was willing to give $100,000 for that object; and would do the same for Kennebec, which had a dense population, and contained a vast amount of property liable to sudden destruction by a small force. So also with respect to other places provided for in the bill. He did not therefore think the bill deserved the character given to it by his friends from Georgia and Kentucky, as a bill intended to defend the country against the aggressions of an invading enemy. He viewed it as providing defences for commercial places which could not be defended by the militia, however well organized, because of their situation on the seaboard, against the sudden attacks of a naval or military force.

One word more in reply to the gentleman who had spoken with such propriety against the increase of the standing army for the purpose of manning these fortifications. He thought that it by no means followed that the commencement of this system of fortifications drew after it an increase of the army to man them; because if the fortifications be there, and their armaments there also, they might be defended by the militia. It was but a question of expediency, after all, that they then had to consider. They had fortified New York, Boston, Charleston, and other commercial cities; and the question was, whether it was not proper, in the present financial condition of the country, to extend the system still farther. He agreed that there was no immediate necessity for making the appropriations at this time; but, as it was to be done some time or other, the situation of the Treasury well justified its being done now.

The question was then taken on the final passage of the bill, and it was passed by the following vote:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Davis, Ewing of Illinois, Goldsborough, Grundy, Hendricks, Hill, Hubbard, Kent, King of Alabama, Linn, Morris, Naudain, Nicholas, Niles, Porter, Prentiss, Rives, Robbins, Robinson, Ruggles, Shepley, Tallmadge, Tomlinson, Walker, Webster, Wright—31.

NAYS—Messrs. Calhoun, Crittenden, Ewing of Ohio, King of Georgia, Leigh, Mangum, Moore, Preston, White—9.

ALABAMA.

The amendment of the House to the joint resolution authorizing the President of the United States to cause to be issued rations from the public stores to those destitute sufferers who have been driven from their homes by the hostilities of the Creek Indians, was taken up, and considered.

Mr. KING, of Alabama, moved that the Senate concur in the amendment.

Mr. EWING, of Ohio, moved to amend the amendment by adding the words, "provided that those homes were not on the unceded Indian lands." Mr. E. said he had understood, from what had been said in the other House, that there were many of the refugees who had been intruders on Indian lands, and had been partly instrumental in creating the present disturbances.

Mr. KING, of Alabama, said that there were no such class of persons in that country. He would not, however, object to the amendment, believing that it would not apply to any of those to be relieved by the resolution.

This amendment was lost without a division; and

after some remarks from Mr. PRESTON and Mr. KING, of Georgia, in opposition to the resolution, and from Mr. KING, of Alabama, and Mr. PORTER, in its support,

Mr. KING, of Georgia, moved to lay the whole subject on the table; which motion was agreed to: Ayes 18, noes 15.

The Senate then adjourned.

FRIDAY, MAY 27.

EXPUNGING RESOLUTION.

Mr. BENTON rose and said that there was a Senator who would leave the body to-morrow, in consequence of having been called to fill a high station in one of the States; and that this Senator wished to have an opportunity, before his departure, of addressing the Senate on a subject in which he took a great interest, and respecting which he had been instructed by his Legislature. The subject to which he alluded was the expunging resolution, and he asked the Senate to take it up. It would be laid down again, Mr. B. said, as soon as the Senator should finish his address.

The resolution was accordingly taken up for consideration; when

Mr. HILL rose and addressed the Chair, as follows:

Mr. President, the preamble and resolution of the Senator from Tennessee, [Mr. WHITE,] which have been introduced as a substitute, are of that hermaphrodite character that pleases neither side, and, being abandoned on all hands, must fall to the ground. They are only important so far as they countenance the principal argument that has been urged against expunging the record; and it is remarkable that the burden of the song has been, not that the condemnatory resolution was right, but that it was a violation of the constitution to expunge what was clearly wrong from the journal. "Each House shall keep a journal of its proceedings, and from time to time publish the same." Here is a positive act to be performed; and, when the act is done, the injunction is fully complied with. If it were intended to apply to all journals, as relating to this or that particular session of the Senate, the language would have been so definite as not to be mistaken. If it had been intended to keep and preserve the original manuscript journal, language conveying that idea would have been used. The mandate of the constitution has been fully complied with, when the journal has been kept a sufficient time to "publish the same." Copies are then multiplied; so there can be no mistake as to what the journal contained; and any subsequent vote of either House to expunge any particular part of any single copy of the journal, is no more a violation of the injunction to keep a journal, than it is of that part of the constitution which authorizes the people to elect members of the House of Representatives.

The Senator from Virginia, [Mr. LEIGH,] probably as an offset to the resolutions recently passed by the Legislature of his State, directing the Senators from that State to present and vote for expunging the condemnatory resolution from the journal, a few days ago presented a memorial from John Timberlake and others, of that State, against expunging. These memorialists consider the proposition to expunge to be "a plain and palpable violation of the constitution;" and it is remarkable that they offer the following as the only reason against its constitutionality:

"Suffice it to say, that to their humble understandings, 'to keep,' as here used by the constitution, means to preserve; and that the latter clause of the constitutional provision, as previously quoted, furnishes a key to the interpretation of that which precedes it; since it would be obviously impossible to publish the journal, from time to time, if such journal had not been kept and preserved."

Here is an admission that the journal is to be preserved only for the purpose of being published. What is the inference? It can be no other than that, when thus kept, the whole purpose of the constitution has been complied with. I will hereafter make inquiry for what other purpose the journal can be kept. In relation to the keeping of the journal of the House of Representatives for thirty-five years, I have received information from the Clerk, in the following letters:

HOUSE OF REPRESENTATIVES U. S.,
April 6, 1836.

DEAR SIR: In answer to the inquiry contained in your letter of this morning, I have to state that the original rough manuscript journal of the House of Representatives of the United States, (those read on the mornings,) have not been preserved to a period anterior to the commencement of the first session, eighteenth Congress, (1823-4.)

For your further information, I enclose you a copy of a communication from Mr. Burch on the subject.

With very great respect, I am, sir, your obedient servant,

W. S. FRANKLIN,
Clerk House of Representatives U. S.

Hon. ISAAC HILL, *United States Senate.*

OFFICE, HOUSE OF REPRESENTATIVES U. S.,
April 6, 1836.

SIR: I entered this office a youth, under John Beckley, who was the first Clerk of the House of Representatives under the present constitution of the United States, and who died in the year 1807.

During the recess of Congress, he put me at what was termed "recording the journal" of the preceding session, which was to write it off from the printed copy into a large bound volume. I inquired of him why it was that it was copied, when there were so many printed copies? He answered that the printed copies would probably, in time, disappear from use, &c.; the large manuscript volume would not.

The "rough journal," as it was then termed, and is still termed, being the original rough draught read in the House on the morning after the day of which it narrates the proceedings, was not, and had not, from the beginning, been preserved. I inquired the reason, and was answered, that the printed copy was the official copy, as it was printed under the official order of the House; and, as errors, which were sometimes discovered in the rough journal, were corrected in the proofs of the printed copy, the printed copy was the most correct, and that, therefore, there was no use in lumbering the office with the "rough journal," after it had been printed.

Two of Mr. Beckley's immediate successors in office, Mr. Magruder and Mr. Dougherty, viewed the matter as Mr. Beckley viewed it. I know the fact, from having called their attention to the subject. I often reflected upon the subject; and it appeared to me to be proper that the "rough journal" should be preserved, although I could not see any purpose whatever to be answered by doing so. I often conversed with the clerks of the office upon the subject; but, as we were only subordinates, the practice was not changed till the first session of the eighteenth Congress, (1823-4,) when I determined, without consulting my superior, that the "rough journal" should no longer be thrown away, but be preserved, and bound in volumes; and it has been regularly preserved and bound since.

With great respect, I am, sir, your obedient servant,

S. BURCH.

Col. WALTER S. FRANKLIN,
Clerk House of Representatives U. S.

By these letters it appears that the original manuscript journal, the journal which is read on the morning of every day succeeding that of the proceedings, was kept and preserved precisely long enough to answer the purpose designated by the memorial from Virginia. It was kept long enough to be published, when the original journal was destroyed or laid aside, and a new manuscript copy was taken from the printed published journal. Here are facts in relation to the journal that cannot be gainsaid; facts which prove that even the destruction of the original manuscript journal, after that journal has been printed and published, was never dreamed to be a violation of that clause of the constitution which requires each House of Congress to keep a journal of its proceedings. For the first thirty-five years, in construing the constitution, plain common sense had not been driven from our legislative halls by the refinement of sophistry; the world of argument had not then been turned upside down; ingenuity had not then contrived to turn a plain duty of the representative to obey his constituents into a violation of his oath and his conscience.

In the year 1823, the Senate of Massachusetts passed a resolution to expunge another resolution from their journal, passed in 1813, which the public sentiment had condemned. A member of the Legislature of that State for the present year informed me that he recently examined the manuscript journal, containing both the expunged and expunging resolutions. Both of them were pssed by an exact vote of the two political parties. The old federal party had the ascendancy in the Massachusetts Senate in 1813, and the resolution, that it was unbecoming a moral and religious people to rejoice in the success of our army and navy, was passed by the votes of that party alone; and in ten years afterwards, the first time the democratic party had the full ascendancy, that party voted to expunge the resolution from the journal. The constitution of Massachusetts requires the keeping of a journal, and directs that the ayes and noes of each branch of the Legislature shall be entered on that journal; but it does not require that this journal shall be published. In this it differs from the constitution of the United States, in relation to the journals of Congress; but the distinction makes altogether in favor of the doctrine of expunging. In the case of Massachusetts, the resolution was expunged, but the manuscript journal (the only official copy in existence) was not touched. In our case, the condemnatory resolution may be expunged; and either the manuscript record may remain unmolested, or it may be ring-marked and crossed, or it may be entirely obliterated; and in neither case can it be considered a violation of the constitution, because, from the time the journal has been kept long enough to be published, every printed copy of that journal is an official copy; so that no vote to expunge, nor even any act of defacing the manuscript journal, can militate with the mandate of the constitution, which requires each House of Congress "to keep a journal of its proceedings, and from time to time publish the same," after the journal shall have been kept a sufficient length of time to be published.

Some thirteen years ago, I first visited the city of Washington, during the sitting of Congress. The Supreme Court of the United States was at the same time in session. A gentleman of the bar, now of the Senate, from Kentucky, [Mr. CLAY,] was engaged before the court on one side of a case; and another gentleman from the same State, (Kentucky,) then, and now, a member of the House of Representatives, of somewhat rougher aspect, (Mr. Hardin,) argued the case on the other side. I listened attentively to both. The rougher gentleman, in the course of his argument, talked of the practice in Kentucky, and with great nonchalance informed the court how he gained an important land cause in that State. He created, he said, a false or feigned issue before the sitting of the court, and led the antagonist party to confine his attention exclusively to the taking of testimony in relation to that feigned issue. Keeping the real point a secret from the adverse party, he carried his case at the trial by surprise. Marshall and Bushrod Washington, then on the bench, smiled at the frank expression of the blunt attorney, who told the story as if he really thought he deserved credit for the trick.

There are many feigned issues, Mr. President; but few who practise them are as candid as was this Kentucky lawyer before the Supreme Court. When the idea was first broached, that a resolution having no necessary reference to any existing laws could not be expunged from the legislative journal of the Senate, because the constitution requires the Senate to keep a journal of its proceedings, I would not have believed that such a feigned issue could be entertained so long as really to have assumed the appearance of settled seriousness. Surely, in all the expunging that heretofore has taken place, it never before entered into the heart of man to conceive such an objection as this.

It is said the constitution requires a journal to be kept; and therefore no part of this journal can be mutilated, struck out, or destroyed. If it be an imperative constitutional injunction to preserve, there must be some object to be gained by the preservation. The journal can be useful for no other purpose than the preservation of evidence of proceedings.

All those parts of the journal relating to laws that have become obsolete, or to proceedings that are of no consequence, are valuable only as objects of curiosity, or as matters of history: the public interest could not suffer, if such parts were utterly destroyed. The journal of the Senate is kept and preserved for no other purpose than to show when and how laws are passed, and it is of as much consequence to preserve the engrossed bill or resolution in that branch of the Legislature in which such engrossed bill or resolution originated, as it is to preserve the journal of proceeding, to show the progress and history of the same bill or resolution. If both the engrossed bill and the journal were destroyed, the enrolled bill on parchment would remain, which would be evidence of the existence of the law; and even if that enrolled bill were destroyed, the law would still be in existence, if there remained anywhere published copies, which had been certified as from the original.

The object of possessing an official copy of the journal of legislative proceedings, is simply to preserve collateral evidence that existing laws passed in due course of legislation: other evidence than these journals, such as petitions on which laws are predicated, reports of committees on those petitions, minutes of reference, original draughts of bills or resolutions or amendments, may be equally important; and yet it will not be urged that the destruction or obstruction of these either weakens the force of the law, or violates the constitution.

There are various ways in which the manuscript journal of the Senate may be obliterated or destroyed. The building may take fire; and that, with the journal, may be accidentally burnt: a thief may steal it, and carry it off, or bury it in the water or in the earth: the minutes may take fire during an evening session, and thus prevent the Secretary from copying the proceedings at length. The constitution requires a journal to be kept: would all these casualties or acts by which the journal shall be destroyed, be so many violations of the constitution?

Even if the resolution now under consideration, without reciting it, went so far as entirely to obliterate a former resolution that should be deemed improper to be retained on the journal, I cannot concede that the act of

obliteration would be unconstitutional. If that resolution were an existing law, still intended to be kept in force, the act of obliteration would not nullify the law: applied to a simple declaratory resolution that was never intended to have the force of a law, the obliteration cannot harm the people for whose benefit all laws are made; and if it does not harm them, it can be no infringement of the constitution, such as is worthy of reprobation.

I marvel much at the pertinacity with which this question is attempted to be discussed as an infringement of the constitution. It seems to me that, by taking the ground they do, the opponents of the expunging resolution blink the real question: it has all the appearance of a mere subterfuge. The horns of this altar will not protect them—the cry of "a violated constitution," as it is a virtual confession that the people are right in demanding the obliteration of an infamous record, so it furnishes strong presumptive evidence of consciousness that the resolution to be expunged was wrong in itself.

My object is not, Mr. President, so much to argue the question of power in the Senate to expunge, as to show that the sentence of condemnation passed on the President of the United States was not only extra-judicial, but unjust; for I conceive it to be a most inglorious evasion that Senators now say this sentence of condemnation imputed to the President no crime. If the Senators from Louisiana [Mr. PORTER] and Virginia [Mr. LEIGH] will look back to the criminal charges of "high crimes and misdemeanors" which were almost daily made in this body two years ago, they may well conclude that the people of the United States will repose little faith in the assertion now, that the resolution of April, 1834, imputed to the President of the United States no criminal intention. To show that it was the intention to impute the highest criminality to the President, in the passage of that resolution, the speeches of more than one Senator who voted for it might be quoted. One single extract from the speech of the Senator from Kentucky, [Mr. CLAY,] after the resolution had passed, will serve my purpose:

IN SENATE, April 30, 1834.—Mr. CLAY rose: "Never," said he, "Mr. President, have I known or read of an administration which expires with so much agony, and so little composure and resignation, as that which now, unfortunately, has the control of public affairs in this country. It exhibits a state of mind feverish, fretful, and fidgetty; [a beautiful alliteration!] bounding ruthlessly from one expedient to another, without any sober or settled purpose. * * * * * * * *

"But I would ask in what tone, temper, and spirit does the President come to the Senate? As a great state culprit, who has been arraigned at the bar of justice, or sentenced as guilty? Does he manifest any of those compunctious visitings of conscience which a guilty violator of the constitution and laws of the land ought to feel? Does he address himself to a high court with the respect, to say nothing of humility, which a person accused or convicted would naturally feel? No, no. He comes as if the Senate were guilty; and as if he were in the judgment-seat, and the Senate stood accused before him. He arraigns the Senate; puts it upon trial; condemns it. He comes as if he felt himself elevated far above the Senate, and beyond all reach of the law, surrounded by unapproachable impunity. He who professes to be an innocent and injured man, gravely accuses the Senate, and modestly asks it to put upon its own record his sentence of condemnation! When before did the arraigned or convicted party demand of the court which was to try, or had condemned him, to enter upon their records a severe denunciation of their own conduct? The President presents himself before the Senate, not in the garb of suffering innocence, but in imperial and royal costume, as a dictator to rebuke a refractory Senate; to command it to record his solemn protest; to chastise it for disobedience."

Concluding:

"The Senator [Mr. GRUNDY, of Tennessee] thinks that there is no coverlet large enough to protect all the various elements of the opposition. He is mistaken; there is one of sufficiently capacious dimensions, recently wove at a Jackson loom, called a protest, on which is marked a violation of the constitution, and an assumption of enormous executive power; and the honorable Senator had better hasten to place himself under the banners of those who are contending against power and prerogative for free institutions and civil liberty. And he had better lose no time, for the protest is the last stroke upon the last nail driven into the coffin (not of Jackson--may he live a thousand years! but) of Jacksonism!"

Mr. HILL here closed his remarks in regard to the expunging resolution, and proceeded to a detailed exposition of various alleged transactions of the Bank of the United States; embracing the private accounts of numerous individuals, a history of the management of the branch of the bank at Portsmouth, &c., which occupied between two and three hours in the delivery. After he had finished,

The resolution was laid on the table.

PUBLIC DEPOSITES.

On motion of Mr. CALHOUN, the Senate then proceeded to consider the bill to regulate the deposites of the public money.

The question being on the amendment of Mr. WRIGHT,

Mr. WRIGHT modified his amendment in that part which requires that seven millions shall be always kept in the Treasury, by striking out the word "seven," so as to leave the blank to be filled by the Senate.

Mr. WRIGHT, in offering his amendment, said he rejoiced that this interesting subject had at last come to its discussion before the Senate; and he rejoiced still more to see, as he thought he did see, a disposition upon all sides of the House to consider the bill with a sincere desire to agree upon a law which should hereafter regulate the deposites of the public moneys in the State banks. He would assure the Senate that he entered upon the discussion with the most earnest hope and intention that their deliberations might be brought to a successful termination, and that provisions might be agreed upon which would not only meet the assent of a large proportion of the Senators, but be satisfactory to the country, and quiet the complaints and remove the apprehensions which now surround the subject.

Mr. W. said he ought further to inform the Senate, before he proceeded with the remarks he had to make, that no pride of authorship could attach to him in the amendment he had offered. The sections which related to the regulation of deposites, were the bill digested by the Committee of Ways and Means of the last House of Representatives, as he had been informed, and supposed to be true, with the advice of the head of the Treasury Department, and was reported to that House, but not acted upon. He did not himself profess a sufficient acquaintance with the subject to be able to frame a safe and proper bill to regulate these deposites, which would accommodate the Treasury, and at the same time be so far consistent with the interests of the banks, as to induce their assent to its provisions. He had not so minutely examined the provisions of these sections as to be able to pronounce the opinion that they were, in all respects, right in themselves, or preferable to others which might be suggested. The last two sections of the proposed amendment related to a subject distinct from the regulation of the deposites

and had been added in pursuance of recommendations made by the Secretary of the Treasury in his last annual report to Congress. They were therefore propositions of the Secretary, for the temporary disposition of any surplus which might remain in the Treasury; and he had offered them to the Senate because they met much more perfectly his views than any other propositions for the disposition of that surplus which he had heard from any other quarter. He was not, therefore, the author of any portion of the amendment he had presented; and his action must not be considered as influenced by any such relation to any of the provisions. He would go farther, and say that he was unconscious of feeling any peculiar attachment to any of the propositions he had presented, and would most cheerfully yield them, and give his support to any others which he could convince himself were better suited to the objects all had in view.

Among those objects it appeared to him that the security of the public treasure must stand first. He was not among those who entertained the least apprehension as to its entire security in its present condition, but he was fully conscious, if further accumulations were to take place, that a change of that condition would become indispensable. His confidence in the safety of the deposite banks, at the present time, was perfect; but he could not fail to see, that if the amounts in deposite went on increasing, a just apprehension might soon be entertained that the capital and means of the banks might not be adequate to their immense responsibilities. Some indulged this apprehension now, and he was desirous to adopt measures which should not only arrest its increase, but put an end to it for the future.

Another leading object in any action upon this subject (Mr. W. said) must be the convenient use of the banks as the fiscal agents of the Treasury. And here it should be borne constantly in mind, that the Senate were attempting to legislate in reference to institutions, not existing by the authority of Congress, not subject to the control or direction of Congress, and in no way to be affected by the action of Congress, in their character of fiscal agents, any further than their respective voluntary assents should bind them to such subjection, and thus connect their interests with the legislation of Congress. We were, in effect, (Mr. W. said,) merely making proposals to these institutions for a contract, in any law we might pass; and it therefore became us, while we performed scrupulously and rigidly our office and duty as guardians of the public treasure, so far to regard the interests to be consulted upon the other side as not to make our terms or proposals such as must meet the refusal of the banks, and thus deprive the Treasury of their essential services. It was, in his judgment, the wisest protection of the public interests to offer to the deposite banks such terms as would make it their interest to discharge promptly, honestly, and faithfully, their duties to the Treasury, and to keep carefully and safely the public moneys intrusted to them; and he could not consent to adopt any parsimonious policy which would so tie down these banks as to compel them to make an unsafe and hazardous use of the moneys in deposite, to indemnify themselves against our exactions. Such a course would be to draw the most unsafe banks only into our service, and to excite them to a use of the public moneys dangerous to the institutions and insecure to the public.

A third object, which should not be lost sight of in the legislation under consideration, was a healthful condition of the monetary system of the country. Mr. W. said he could not, for a moment, doubt that the large accumulation of the public revenues in the banks had done much to promote the spirit of excessive speculation which, during the past year, had seemed to pervade every section of our vast country and every branch of enterprise. The ten or eleven millions, beyond any former year, which had sought investment in the public lands, must, to a very great extent, have emanated from these reservoirs of surplus funds. The year was one of plenty and profusion in every department of trade and business; and the capital of the banks, and in the banks, not required for the legitimate uses of commerce, must seek other employment. Hence, accommodations were liberal, and speculations ran wild; for, rely upon it, (said Mr. W.,) those gentlemen are mistaken who have supposed, and have told us, that banks lock up the money intrusted to their keeping, and deprive the community of its use. Such is not the nature of these institutions. Such is not their interest; and as soulless existences, their interests are their only governing principle. The fault is here. They will not keep money in an unproductive state; and when the proper customers of banks, those who require loans for commercial purposes, when speedy returns are certain, do not apply for their means, they will loan them to those who are engaged in speculations; to those who, it is known, intend to apply the funds obtained to the purchase of property not convertible to cash at pleasure, but dependent upon casualties which render the use hazardous to the stability of banking facilities. The commercial community are, at this moment, experiencing a severe pressure for money. Is not the principal cause to be found here? Were the millions which have been invested in speculations upon real estate, derived from bank accommodations, within the eighteen months last past, to be returned within the reach of legitimate commercial calls, does any one suppose the pressure at present existing would have been felt? Does any one believe it would continue for one day? In so far as the great accumulation of the moneys of the Government in the deposite banks may have promoted this spirit of speculation, and encouraged these loans, it is the imperative duty of Congress, when legislating upon the subject of the public deposites, to devise some mode of correcting the existing evil, and of preventing its recurrence in future. In our use of the State institutions as the fiscal agents of the Treasury, we should, as far as may be in our power, so regulate that use as to promote, not to disturb, the great moneyed interests of the country, and the success and prosperity of commerce, which is our principal dependence for the revenues to be deposited.

With these preliminary remarks (Mr. W. said) he would proceed to consider, very generally, the bill and amendment, and to point out some of the principal differences between the two proposed measures. He should not, at this time, enter into minute details, but should confine his remarks to those differences which he thought highly essential.

The first he should notice was the liberty given to the Secretary of the Treasury, by the amendment, to select additional deposite banks. The provision, in terms, authorized an entire new selection under the law, as those now used had been selected when there was no law upon the subject; but he was most happy to be able to say to the Senate that he was not aware, nor did he believe, there was the least intention or desire on the part of the Secretary, or of any one else, in the execution of this power, to dismiss a single one of the existing deposite banks. He did not know, or believe, that any bank now employed was considered an unsafe depository of the public money, or had failed in any essential particular to perform its duties promptly and faithfully, as a fiscal agent of the Treasury. He did believe, however, that if the public moneys were to remain in the banks, additional selections ought to be made at some of the more important points. As he was more particularly acquainted with the condition of things

in the city of New York, he would confine his remarks to that point. Three banks of deposite had been selected, and were now employed in that city. Two of those banks were, by their charters, restricted as to their amount of loans; and his recollection was, that the utmost extent to which they could go was twice and a half the amount of their capital stock. All the other banks in the city and State of New York, with very few exceptions, were subject to the same restriction and limitation; and Mr. W. said he did not doubt that the third deposite bank, from the large amount of its capital, and the known discretion and safety of its directors, was practically subjected to the same limitation. Hence it would be apparent to all that an amount of public deposite must frequently accumulate in these three banks at that point, which, connected with the capital and means of the banks themselves, would constitute a fund far beyond the amount of loans they were at liberty to make. What, he should be asked, is done with this surplus? Is it not locked up, without use to the banks or the community? He was ready, as he believed, to answer the inquiries, and to say that it is not locked up and kept from the use of that commercial community. When such a state of things is found to exist, those deposite banks suffer balances to remain to their credit in the neighboring banks of the city, upon which those banks extend their loans. He could not say that there were permanent arrangements between the banks as to these balances; but he believed he could say, with perfect safety, that they constantly existed to a greater or less extent, and that, in this indirect way, all the deposites at that point were made to constitute, as far as these deposites could properly be made to constitute, capital upon which accommodations were extended to the customers of the banks.

The system, however, (Mr. W. said,) was, in his judgment, very objectionable. These balances, suffered to remain in the banks not selected as deposite banks, were, from the necessity of the case, payable to the deposite banks upon demand, at their pleasure. It gave them, therefore, a command over the neighboring institutions, which should not exist, but from an unavoidable necessity. If we so arrange the disposition of the public moneys, that more banks than those now selected must be employed to use them for the accommodation of the business community, there is no reason why each bank should not be made principal in its own use, and be responsible directly to the Treasury, and not indirectly, through its neighboring and perhaps rival institutions. Mr. W. said it gave him great pleasure to say that he had never heard of a charge of unfairness, or an unnecessary exertion of the power possessed by the deposite banks in the city of New York over their debtor banks; but there was something invidious in so limiting the number of the deposite banks there, as to create the constant necessity of permitting part of the public moneys on deposite to remain in other banks, and be used by them, or to be taken from use, and locked up in the deposite banks. It added an unpleasant responsibility to the deposite banks, because, by the arrangement, they were compelled to be answerable, not only for their own use of the moneys intrusted to them, but for the use, by neighboring and rival institutions, of portions of those moneys; and it placed the neighboring and rival institutions, which would consent to take and use any part of these moneys, in the unpleasant position of agents to their rivals, and, so far, subject to their power and control. This state of things, Mr. W. said, he believed ought not to exist; and either that the amount of deposites in the banks ought to be reduced to a limit within their chartered powers of disposition, or that the number of deposite banks ought to be increased to an extent which would produce that consequence.

The bill introduced by the honorable Senator from South Carolina, [Mr. CALHOUN,] confined the deposites to the existing deposite banks, and contained a positive prohibition against the selection of others, except at points where the public service might require it, and where there was now no such bank. Of consequence, the exception would not afford a remedy in the case he had described; and he did not doubt that the situation of New York must be substantially that of Boston, Philadelphia, Baltimore, and many other similar points, where the principal collections of the revenue were made. For these reasons, he preferred the amendment he had offered to the original bill, so far as this difference was concerned.

The next difference he proposed to notice, Mr. W. said, was the omission, in the amendment, of any provision for the payment of interest upon deposites. This omission, so far as his action was concerned, had been made upon the assumption that some disposition other than that of a deposite in the banks, would be made of any surplus of the moneys so deposited, beyond the contemplated expenses of the Government. Should this not be so, and should the public moneys continue to accumulate in the banks, without appropriation and expenditure, he was clearly of the opinion that the banks ought to allow a reasonable interest for their use. He was, however, so unwilling to make an investment of this description, because he held it so directly, if not compulsorily, an inducement to the banks to make a hazardous, if not improvident, use of the money in deposite with them, that he would not, in this stage of the proceeding, discuss the principle involved, or express an opinion as to any rate of interest which he might think it proper to exact. He yet entertained the strongest hope that the adoption, by the Senate, of the proposition he had made for the investment of any surplus which might be found to exist, would entirely supersede the necessity of action upon this proposition; and he took it for granted, if his, or any other of the several propositions for taking the surplus from the banks, and placing it beyond their reach, should prevail, all would concede that the use of the moneys which would remain in deposite would be no more than an equivalent for the services required of the deposite banks, in their characters as fiscal agents of the Treasury. If none of those propositions should meet the approval of the Senate, then he might be compelled to consider, practically, some mode of requiring the banks to pay an interest upon the deposites, and the rates of interest which should be charged. He would not, however, at present, anticipate the difficulties which would be found to arise from any provision of this sort. A further consideration connected with this part of the subject, Mr. W. said, it became his particular duty to bring to the notice of the Senate. He could not speak as to other States than the one he had the honor in part to represent here; but the banks of his State, as he had before remarked, were limited in the amounts they were permitted to loan; and in the city of New York, it happened, as he was informed and believed, and would hereafter often happen, that the amount of public deposites in the deposite banks there, would be greater, when added to the capital and means of those banks, than they could use by way of loans. Under the present arrangement, he had described the mode in which the surplus of such deposites was made useful and available to the mercantile community. The system pursued, on the part of the deposite banks, of letting balances stand to their credit in the neighboring institutions, upon which they could make loans, reached this great and useful object; and the fact that these balances were permitted to remain without interest, enabled the banks thus accommodated to extend to their customers nearly the same liberality which could be extended by the deposite banks, were they permitted

to discount upon the same funds. But if interest was to be demanded of the deposite banks, it was certain that they could not afford to suffer these balances to remain with rival institutions, without interest. They could not afford to pay interest upon funds, and give the gratuitous use of them to their neighbors.

Interest, Mr. W. said, was the governing principle of a bank, and no bank would consent to pay interest and not receive interest; much less to pay interest for the benefit of a rival bank. The deposite banks, therefore, will not pay interest to the Government upon the public deposites, and suffer portions of the moneys in deposite with them to remain, in the shape of balances, in neighboring institutions, without interest. Can they, then, Mr. President, (said Mr. W.,) permit them to remain upon the payment of interest? No, sir: I think they cannot. Balances suffered to remain, under a stipulation to pay interest, would be loans in effect, and loans within the meaning and intent of the charters of the banks which should enter into such a stipulation by way of addition to the direct loans they are permitted to make. These deposite banks will be sure to use directly so much of the moneys intrusted to their care as they are permitted by their charters to use; and should more be deposited, it is impossible they could pay an interest upon it, and not use it; it is certain they would not pay an interest upon it, and permit others to use it without interest; it is shown that they could not lend it to others upon interest, to be used as the basis for loans; and therefore they could not consent to receive in deposite a greater sum than they could use under the powers granted in their own charters.

Here, Mr. W. said, he thought he had a conclusive argument to prove, either that an interest upon the deposites ought not to be charged, or that the number of deposite banks in the city of New York ought to be so increased, that each bank could use, by way of loans, all the money it should be required to take upon deposite. He did not oppose the plan of charging the banks with an interest upon the deposites, in case amounts of money, beyond the current demands upon the Treasury, were to remain with them; but if this policy was to become the law of the land, he desired that it might be practically applied, so that the institutions and the Treasury might be able to act together, in adopting it. This, he was sure, could not be done, without the selection of additional deposite banks at some of the important points. He had stated the operation at New York, and he did not doubt that the same consequences, to a greater or less extent, would be operative at several of the other important points, where the collections of the public revenue were large. He must here again remind the Senate, that we were legislating in reference to institutions not subject to our legislation, and which were to be made subject to it by their own voluntary consent; by a free, and full, and fair contract, or not at all. It therefore became us to offer to them terms which they could accept, and not so to economize our own interests as to deprive us of the aids, important, if not indispensable, of those fiscal agents of our Treasury. For these reasons he preferred the amendment to the original bill, because it gave to the Secretary of the Treasury the power to select additional deposite banks—an exercise of which power would be indispensable, in case the principle of charging interest upon the deposites should be made a feature of the deposite bill.

The only other principal difference between the bill and amendment, Mr. W. said, which he proposed to notice, was, the different propositions for the temporary disposition of any surplus of revenue which might, from time to time, be found in the Treasury. The bill offered by the honorable Senator from South Carolina, [Mr. CALHOUN,] proposed to deposite it with the States, without interest, upon a mere statute pledge of repayment of the principal when Congress should call for it. The amendment offered by himself proposed simply to invest it in the stocks and securities issued by some one of the States of this Union, bearing a fair interest, transferable at the pleasure of the holder, and to authorize the Secretary of the Treasury, or the commissioners of the sinking fund, at any time, when the wants of the national Treasury should require it, to sell the stock so purchased at its market value.

Mr. W. said it would be the purpose of his remaining remarks to examine these different propositions, and assign the reasons for his preference for the one he had submitted.

The proposition he had offered, equally with that of the honorable Senator, [Mr. CALHOUN,] rested upon the responsibility of the States; and the investments were, by the terms of it, to be confined to the stocks, or other securities, issued by a State, and carrying upon its face a pledge of the faith and credit of the State for the punctual payments of interest and the final redemption of the principal. It possessed an important advantage over the proposition of the Senator, in commanding, for the money paid, an actual and transferable security—a security which might be converted into money at pleasure, without any agency or interference on the part of the State. It also secured a fair interest for the use of the money, while it should remain invested; and in this respect seemed to him to be decidedly preferable to the proposition of the Senator.

The Senator proposed to loan the money to the States without interest, until wanted for the uses of the public Treasury, and actually called for upon a given notice, (and that, too, without any security possessed by the Government, which it could use,) independently of the action of the States. His only security was a legislative pledge, which was worth nothing until made so by the further positive action of the State Legislatures. It might, or it might not, be convenient for them to respond to the call of Congress for this money; and all would admit that their pleasure must determine the question whether or not the money should be repaid, as none would contend that any power existed in Congress, or in any department of this Government, to coerce the fulfilment of this legislative promise to pay.

But by whom, Mr. W. said he would ask, was this call to be made upon the States? By Congress: in other words, by the representatives of the States here, and by the representatives of the people of the States in the other branch of Congress. The States were to be made the debtors, and their will, expressed by their representatives in Congress, was to determine whether their respective debts should be paid, and when and how that payment should be made. This was the financial policy of the proposition of the honorable Senator. This was the security to the national Treasury to be offered for the almost countless millions which the imagination of the Senator had accumulated there, to be transferred to the several State treasuries.

Mr. W. said, he here met an objection, which he must examine in a manner he hoped would be satisfactory to all who would honor him with their attention. He alluded to the objection that the mode of investment he had proposed would introduce into the financial operations of the country an extensive system of "stock-jobbing;" would make the Government itself a "stock-jobber;" and would confound its fiscal agents with "the bulls and bears of the stock market."

The objection, Mr. W. said, was most seriously urged, and, therefore, deserved a careful examination. He hoped to be able to give that examination in a manner so simple, clear, and intelligible, that friends and opponents of the propositions would be entirely satisfied that

its rejection must rest upon stronger ground than could be found in this cabalistic scarecrow. In what securities did he propose to make the investments? In securities resting upon the faith and credit of some one of the States of this Union. Were securities of that character the subject of stock gambling? Would any Senator rise in his place and say that the stocks or other securities issued by his State, and dependent upon its faith for their final redemption, were food for "the bulls and bears of the stock market?" Would any one contend that securities of this character were to be classed with the gambling stocks of the day? Would it be urged that the rise and depression of these stocks in the market for the last ten years had furnished the least indication that they were affected by the movements of those who had been termed "the bulls and bears of the stock market?" He was sure he might give a negative to all these inquiries without contradiction here; and if so, he must be permitted to say he considered the "stock-jobbing" objection most conclusively answered.

He would ask, however, what were gambling stocks in practice? Were they securities, like the State stocks, defined and certain in every element which could constitute value? Were they certificates, or bonds, for a given amount of principal, payable at a given day and at a specified place; with a given rate of interest for the forbearance of payment, also payable quarterly, half-yearly, or yearly, at a given place named upon the face of the security? Could stocks or securities of this character become the subject of gambling in the stock market, for any other cause than a doubt as to the payments of interest and principal? And was any one prepared to say that the faith of any State of the Union, thus pledged, was matter of doubt or uncertainty in the remotest degree? He thought not. Where, then, was the room for apprehension as to stock-jobbing? The amount of principal secured by the stock was liquidated and certain; the day of payment was particularly specified; the rate of interest was fixed, and the place for the payments of interest and principal was defined. Where, he would again ask, was there room for gambling? for stock-jobbing? for the interference of the "bulls and bears" in investments of this character? There was none; and the history of these stocks and securities in the market would show that they were entirely exempt from influences of the disruption indicated by the objection.

These stocks would experience fluctuations in the market, but they were not the fluctuations produced by stock gambling. When money was plenty, and the legitimate calls of business did not require all the means at the command of capitalists and money-dealers, investments would be sought in these safe stocks, and they would rise in value. When, on the contrary, money was scarce, and capital could be safely invested at a much more advantageous rate than the usually low interest paid upon these stocks, the stocks would seek a market for a change of investment, and the consequence would usually be a depression of price. These, and these alone, were the causes of fluctuation in the price of the State stocks; and who could suppose that these causes would produce fluctuations so great as to deserve the appellation of "stock-jobbing," "stock-gambling," "an association with the bulls and bears of the stock market?"

What, Mr. W. said he would again ask, were gambling stocks? They were stocks dependent upon future and uncertain results. They were stocks as to the value of which the judgment and the imagination were the guides of the purchaser. A bank is chartered, a railroad company is incorporated, or a canal is authorized to be constructed; a stock is created, and becomes the subject of purchase and sale in the market; but there is no bank, no railroad, no canal, in actual operation. The value of the stock is matter of calculation, conjecture, imagination. There are no dividends, and therefore the rate of dividend is unknown; and estimate, calculation, judgment, or imagination, excitement, enthusiasm, as the case may be, direct the standard of value of the stocks, and govern the sales. These are the stocks which give rise to stock-jobbing; these are the gambling stocks; these are the stocks upon which "the bulls and bears of the stock market" act; these are what have been denominated "the fancy stocks" of Wall and Chestnut streets, and the other great stock markets of the country. Would any Senator, or any citizen of intelligence and observation, attempt to class these stocks with the certain and specified securities issued by the independent States of this Union, and guarantied by their faith and credit? He was certain he might answer, no; and that answer must put at rest forever this frightful "stock-jobbing" objection.

Another advantage, Mr. W. said, to be derived from the propositions he had submitted, and which ought to commend them to the favor of some portion of the Senate, was, that they were antagonist to no measure of appropriation or distribution which had been, or which could be, presented to Congress. If adopted, they would merely act upon any surplus moneys which might, from time to time, be in deposite; they would, at all times, regulate the amount of money in the banks, and prevent the mischiefs experienced and apprehended from an over accumulation of funds there; they would remedy the evil which constituted the principal subject of present complaint, and would, at the same time, preserve the funds within the entire control of the Treasury, in a shape to be converted into money whenever appropriations made by Congress should require their use.

It was objected that there would be a want of these stocks to absorb the millions which the condition of the Treasury would present for investment under the terms of the propositions. His answer to this objection was double. In the first place, he could assure the gentleman who urged it, and the country, that the vivid and fruitful anticipations of the financiers who had predicted upon the amounts of surplus revenue, would be sadly and greatly disappointed. If Congress performed its duty, during its present session, and made such provision for the immediate and permanent defences of the country as its condition and wants imperiously demanded, the amount of our surplus money would not be such as to alarm the statesman and patriot, or to compel the fiscal officers of the Government to go abroad for stocks in which they could invest it. There might be a small surplus; but he thought it would mostly consist of unexpended balances of outstanding appropriations. Existing in this shape, it might be found wise to make temporary investments in the manner proposed, but not in amounts which would exceed the amounts of State stocks in the market. In the second place, the present amount of those securities, existing in the shape of stocks or bonds, must be some fifty or sixty millions of dollars; and it was a fact, known to all who had paid the least attention to the legislation of the States for the past year, that a very large proportion of them were authorizing further loans, and the issue of new stocks or securities, to enable them to prosecute additional works of internal improvement. He did not propose to be specific in any statement upon this point, but he would refer to the State he had the honor in part to represent, to Pennsylvania, Ohio, Maryland, Louisiana, and many others, as having outstanding securities in considerable amounts; and the same States, with perhaps the exception of Ohio, together with Indiana, Illinois, Tennessee, Mississippi, and he believed several other States, had, at the last sessions of their respective Legislatures, authorized heavy additions to their State debts. How, then, could gen-

tlemen entertain apprehensions that there would be a want of State stocks in which to make these investments? Even should the amounts to be invested far exceed their most flattering calculations, the amount of these stocks would much more than equal the sum total of surplus; and he hoped to quiet their apprehensions for the future by the confident assurance, which the history of the times would fully warrant, that, unless a radical change in the policy of the States should be produced, the increase of State loans, and consequently of State stocks and other State securities, would far outstrip the accumulations of surplus revenue in the national Treasury.

But another formidable objection had presented itself to the minds of some, in the supposition that any attempt on the part of this Government to invest the surplus moneys of the Treasury in these stocks, would at once raise the price of stocks in the market to an extent so extravagant as to make the investments matter of important loss. He would beg gentlemen, who urged this objection, to remember against what description of investments they were using the argument. Take an example: You propose to purchase a five per cent. stock of one of the States, upon which the interest is payable quarter-yearly, and the principal redeemable at the expiration of twenty years. The only consideration which can make such a stock par in this country, where money is almost always worth more than five per cent. for ordinary uses, is that of perfect security, and perfect punctuality in the payments of interest and principal. If you pay a premium upon such a stock, and retain it until the principal become due, the premium paid is so much deducted in advance from the accruing interests; while, if the stock be not retained for the whole, but a portion only, of the time it has to run, its market value is diminishing in precise proportion to the lapse of time; and, of course, the prospect of recovering the premium paid, by a resale, diminishes constantly. All these are matters of precise and perfect calculation; and if every doubt as to the prompt and punctual payments of interest and principal be removed, as in reference to State stocks and securities they might be supposed to be, they were all the elements, Mr. W. said, which entered into the value of the given stock. How much premium, then, he would ask, could be paid? Five per cent. premium would be the whole interest for one year, or the twentieth part of all the interest to be paid upon the stock; and this ratio would exhibit the effect upon the interest of the purchase at any rate of premium. How was it possible, then, that these stocks could experience great fluctuations beyond those occasioned by the different value of money at different periods? They could not; and their history in the market, as he had previously had occasion to notice, had proved that they had not fluctuated materially after public confidence had become established in their entire security as investments. Indeed, he could go further, and say that the State stocks had experienced no extensive fluctuations at any period; but, on the contrary, their usual history had been a gradual rise, within certain limits, regulated by the value of money and the desire for permanent investments, in proportion as the stocks became known and their perfect safety ascertained.

Some gentlemen, Mr. W. said, seemed to suppose that the fact that the Government was to become a purchaser would, of necessity, affect the price of these stocks in the market. This he did not believe. He had had some experience in transactions of this sort, while in charge of an important fiscal office in his own State, and acting for the State; and that experience had taught him to believe that a public officer, acting with discretion, could purchase stocks of this character upon as favorable terms as any other individual. If the officer were to give public notice, in advance, that, upon a given day, he would present himself in the market and purchase a given amount of specified stock, he would, most undoubtedly, have the price of that stock raised upon him, and would either defeat his intended purchase altogether, or compel himself to pay an exorbitant price. So with the commissioners of the sinking fund, under the provisions of this act; but did any one suppose those officers would take that course in making the investments they are required to make? No, Mr. President; no officers or agents of intelligence and integrity will thus discharge such a trust. They will first ascertain, at the times specified, the amount of money to be invested, and will then give their instructions to trustworthy and confidential agents, stock-brokers or others, at the points where the desired stocks are to be found, to make the necessary purchases for them. Their agents go into the market as other private individuals go there; not proclaiming themselves as the representatives of the United States, but as purchasers of State stocks for investment, and proffering the money, at the market value, to those who wish to sell. Their purchases, like all others, will be regulated by the relative value of money, and of the stocks purchased; and, so far from the price being affected by the circumstance that the Government is in fact the purchaser, the seller may never know that fact. He makes his transfer to the nominal purchaser, and that purchaser to the United States; and it is only by following the transfers upon the books kept in the transfer office, that it will become known that the Government has purchased the stocks. This fact may not be made known until the investments are completed, and the purchases for the Government have closed. So with the sales, when the Government may find it necessary to sell; and no apprehension, therefore, can be justly entertained by reason of the connexion of the public Treasury with these operations.

Mr. W. said it was undoubtedly true, in case large amounts were to be invested at one time, that an appreciation of the stocks might be the consequence. It was a law of trade, of universal application, that an unusual demand for any article in the market had a tendency to raise the price of that article in a ratio governed by the demand and supply; and, in reference to the investments provided for, this rule would operate in the same manner that it would upon mercantile, or any other transactions of trade. As, however, he had shown (he hoped satisfactorily to the Senate) that the amounts to be invested, as surplus beyond the appropriations made by Congress, could not be large, and that the amount of stocks in the market, of the description to which the investments were confined, was ample at present, and would increase much more rapidly than any possible increase of our surplus revenues, he thought he had answered the last two objections named, so effectually as to prevent their repetition.

Another objection had been made to the propositions he had submitted, of a personal character. It had been said that the commissioners of the sinking fund were not the persons to whom the trust of making these investments ought to be confided. Mr. W. said he had named these commissioners, not because he had any especial preference for those particular officers, as the trustees of the Treasury, upon this particular occasion. Indeed, he did not know that he could tell who the commissioners were at the present moment; but he believed the Vice President, the Chief Justice of the Supreme Court, the Secretaries of State and of the Treasury, and the Attorney General, were of the number, if not the whole board. He must be permitted to say he had full and entire confidence in the individuals who now held these important offices, and, for himself, he would most cheerfully confide to their intelligence and integ-

rity any trust, pecuniary or political; but he had designated the commissioners of the sinking fund for the reason that our fathers had designated those high officers, whoever the individuals might chance to be, to discharge much more important duties in reference to the great and vital interests of the Treasury—the payment of the national debt, and not from any personal or political attachment to the gentlemen who now filled the places. If objection was to be seriously made on account of this feature of the propositions, and any Senator would name other public officers, whose duties would permit the requisite attention to the trust, and who could be less exceptionably charged with it, he would most cheerfully consent to the change. He was sure he did not mistake the feelings of any one of the officers he had named, when he said he could not render to them a more acceptable service than by discharging them from the unpleasant responsibilities which a faithful execution of the proposed trust might impose. He had been unable, however, after the most mature reflection upon the subject, to change the selection of trustees, and must, therefore, wait to hear the suggestions of those who found objection in this part of his propositions. He had heard the objections with patience, and he would endeavor to receive and consider any amendments with impartiality and candor.

Mr. W. said when he had originally offered the sections of the bill upon which he was now remarking, seven millions of dollars was named as the sum to be left in the Treasury to meet the disbursements of each quarter. Before he commenced his present observations, he had modified the proposition by striking out the word "seven," and thus leaving the sum blank. He had done this, because he wished the vote might indicate the sense of the Senate upon the principle contained in the section, without involving objections of detail, which, it was most manifest, the fixing of this sum would involve. The counter-proposition already offered by the Senator from South Carolina, [Mr. CALHOUN,] with a much less sum (three millions) inserted, afforded conclusive evidence of a wide difference of opinion upon this point, and proved satisfactorily to his mind that the question between the two propositions ought to be presented to the Senate without reference to this amount; that the principle of each might be disembarrassed from this mere difference of opinion as to the amount to be left in the Treasury, whether the one proposition or the other should be adopted. He thanked the honorable Senator for his agreement with him in this opinion, and for having modified his propositions in conformity with it, by leaving the sum blank in them also. Indeed, Mr. W. said, the fixing of this sum, in any event, ought to be the act of the Senate, and not of any member of the Senate who might choose to submit propositions as to the disposition of any surplus revenue which might be found in the Treasury. This position would be sound, under any circumstances; and was more especially so at this time, when appropriations to a greater extent than usual were not only proposed to be made, but conceded on all hands to be proper, and when, therefore, the amount to be retained for the uses of each quarter would be, to an unusual extent, dependant upon the appropriations actually made.

There was, however, (Mr. W. said,) a manifest difference as to the sum which ought to supply the blank in the section he had offered from that which had been offered by the Senator from South Carolina, [Mr. CALHOUN,] because the rule of action of the two propositions upon the funds in the Treasury was wholly different. That offered by him directed the commissioners of the sinking fund, at the commencement of each quarter of the year, to estimate not only the payments, but the receipts for the coming quarter; and from that estimate to determine the average of moneys to be found in the Treasury for the quarter, and to invest all above the amount which was to fill the blank in question, in the manner pointed out in the provisions. The antagonist propositions of the Senator provided for annual distributions, leaving in the Treasury, regardless of future receipts, a specified amount to meet outstanding appropriations.

The rule of calculation was, therefore, entirely different, and the blank in each should be filled with reference to that rule. In the former case, the calculation was to be made at the commencement of the quarter, and the receipts as well as the expenditures of the quarter were to be brought into the estimate; while, in the latter case, a gross sum was to be left in the Treasury, at the commencement of each year, which, together with the receipts of the year not estimated, was to constitute its means for the coming year. In the one case, the blank should be filled by a sum which would meet the entire payments of the quarter; while, in the other, it should be such a sum as, when added to the whole receipts of the future year, would meet the whole payments of that year. It was, therefore, most apparent that, in acting upon the different principles proposed, this sum should be left blank, and that the blank should be filled with reference to the proposition adopted. It was equally apparent to his mind, (Mr. W. said,) that the sum to be inserted in either case must depend mainly upon the appropriations made, and to be made, by Congress, during its present session. The quarterly payments must surely depend upon that legislation; and the question whether the receipts of the next year will be equal to the expenditures of that year, must also depend, in a great degree, upon the amount of outstanding appropriations at the close of this year. The appropriation bills for the present year are very late. Few of them have yet passed and become laws, although the one-half of the year has nearly expired. If, then, they be greater than usual, there is the more reason to expect that the amount of outstanding appropriations, at the close of the year, will be unusually large. This amount, whatever it may be, is to be added to the current calls upon the Treasury of the next year; and, therefore, in fixing upon a sum to be left in the Treasury on the first day of the year, the amount of outstanding appropriations should be especially regarded.

In this view of the subject (Mr. W. said) he had no hesitation in saying that the blank in the propositions of the Senator from South Carolina [Mr. CALHOUN] could only be filled safely by a deduction of the outstanding appropriations, separate from the sum which it might be necessary to retain in the Treasury at the commencement of each year, to render it safe against all current calls. In reference to the propositions he had submitted, entirely different considerations might govern our legislation. In the first place, an estimate was to be made of the receipts and expenditures of each quarter, and the sum to be invested was to be regulated by that estimate, by deducting from the moneys in the Treasury, and the estimated receipts for the quarter, the estimated payments for the same quarter. That estimate, however, might be erroneous upon the one side or the other; but the consequence of error, in either case, could not be materially injurious to the public interests. If the estimate should be too favorable to the Treasury, the only consequence would be, that the amount of the error would remain in the Treasury uninvested during the quarter. If, on the other hand, the estimate should be too short, and leave the Treasury without means, the propositions not only authorize, but direct, the commissioners of the sinking fund immediately to sell so much of the stocks in which the investments have been made as may be necessary to supply the

Treasury with means equal to its wants. At no time, under these propositions, are the means placed beyond the reach and control of the fiscal affairs of this Government, or in a situation in which they cannot be commanded by the action of the officers and agents of this Government, to supply the wants of the national Treasury. The filling of the blank, therefore, in this section, is much less important than in that offered by the Senator from South Carolina, [Mr. CALHOUN.] In this case, the propositions, of themselves, provide a correction for any error which may arise. In the other case, the money is placed in the keeping of the States; is put beyond the reach of this Government or its officers, upon the mere security of a legislative pledge for the repayment of the principal, without interest; and cannot be reclaimed, whatever may be the wants of the national Treasury, but upon the voluntary, separate, and independent action of the Legislatures of all those States which shall receive their respective dividends. Hence, the far greater importance that the Senate should direct in this matter; and that these blanks, and especially that in the proposition of the Senator, should be filled with great caution, and with particular reference not only to the outstanding appropriations, but to such future appropriations as any measures of national policy now to be adopted may require. He had felt it to be his duty (Mr. W. said) to throw out these suggestions; and he would content himself with their expression, until some specific motion to fill the blank in the one or the other proposition should bring the question more directly before the Senate.

Mr. W. said he had two insuperable objections to prefer against the propositions offered by the Senator from South Carolina, [Mr. CALHOUN,] for a disposition of the surplus revenue. The first was, that he considered them, in substance and in effect, propositions to make a general distribution to the States of all the revenues in the national Treasury, from whatever source derived, and, in that sense, to embrace the adoption of a principle which he considered more dangerous to our civil institutions, State and national, than any other which could be presented for the sanction of Congress. The taxing powers of this Government were to be used to accumulate money for distribution to the sovereign and independent States of the confederacy. Those States were to be taught to look to this Government for the means to supply their wants; for the money to sustain their institutions; for the funds to meet their legislative appropriations. Can relations of this sort be established, and the independence of the States be preserved? Can the Government of a State feel or exercise an independence of the power which feeds and sustains it by direct and gratuitous contributions from its Treasury? What step can be so eminently calculated as this, to produce speedy and perfect consolidation?

Mr. W. said he knew he should be answered that it was not proposed to give, but to loan, this money to the States; to take their bonds or securities for its repayment, upon the call of Congress. It would be further said that the omission to charge interest was a matter of entire discretion with Congress, and of justice to the States, inasmuch as the money had been collected from the people of the States; and, if not wanted for the uses of this Government, ought to be submitted to the States for their use, without charge. These were specious answers, to which the form of the propositions gave countenance; but what would be their practical effect? The money was to go to the States upon a rule of distribution prescribed, and claimed to be equal and just; it was to go to them for any uses they may choose to make of it, and without interest. In return for the money, the several State Legislatures are to pass laws declaring that the State will repay the principal when Congress shall, by law, call for the payment. Does any one believe that the national Treasury will ever receive back one dollar of the money distributed upon these terms? What is the course? The immediate relation of debtor and creditor is established between each of the States and the Federal Government, and the power to demand payment is left with the representatives of the States, and of the people of the States, in the two Houses of Congress; while the response to that demand rests with the States themselves, acting through their respective Legislatures, or otherwise, as they shall choose. The Treasury is in want. Will the States, through their agents here, make a demand upon themselves to supply that want? Never, Mr. President. They may, through that channel, call for increased distributions, but never for the repayment of moneys which have been distributed and expended.

It must not be alleged, Mr. W. said, that, in making these remarks, he expressed distrust of the patriotism or faith of the States. No man entertained more confidence in both than himself; but the government of the States was the government of the people of the States, and the people of the States composed the vast, sagacious, enterprising business community, which all here in common represent, and of whose interests they, as an aggregate number, are quite as perfect judges as their representatives anywhere. He should never express a doubt of their faith or patriotism; nor did he doubt that they would, at all times, and for all proper purposes, keep the national Treasury fully and richly supplied. If, however, want should come upon that Treasury, the manner of answering that want would be before the people, and subject to their interests and their will. If an increase of the duties upon imports, an increase of indirect taxation, shall be more acceptable to the majority than a call upon the States for the money now proposed to be intrusted to them, that mode of supplying the Treasury will, of course, be adopted. Which—he would ask every Senator to answer to himself in candor and sincerity—which would be the most probable resort? In case of a call upon the States, all would be equally interested, and all would be likely to resist. Such a call, if the rule of distribution should be a proper and constitutional rule, would be, in effect, precisely equivalent to laying a direct tax to the amount, and the interests of no State or section of the country could, in any event, be promoted by it; but in an increase of the duties upon foreign importations, and the consequent increase of the revenue from customs, a large majority of the people of the whole Union, as experience has shown, may easily be made to believe, if the fact be not so, that their interests will be directly and essentially promoted. Who, then, can doubt that this mode, instead of a call upon the States for the money parcelled out to them, will be the mode of supplying any future wants of the Treasury, so long as a resort to this indirect taxation can reach that object? If a calamitous and expensive war shall come upon the nation, and our commerce shall be so far interrupted or destroyed as to render any rates of duty upon imports an inadequate supply to the Treasury, then, indeed, (Mr. W. said,) this money might be called for; because then no other resort but to such a call, or to a direct tax, would remain to Congress. Still an important and most delicate question would, even then, be likely to govern the action of the national Legislature. Each State would calculate the relative effect upon itself of a call for the money, or a direct tax to raise the same amount. The interests of the States whose population shall have relatively diminished between the time of the receipt of the money and the time when a call shall be proposed, will dictate to it, and to its representatives here, to favor a direct tax in preference to a call; because its proportion of the tax will be less than was its

proportion of the money, distributed when its relative position among the States was higher. On the contrary, the relatively increasing States, those whose population shall bear a higher proportion to the whole when the call comes than when the distribution took place, will favor a call instead of a tax, because the proportion of money falling to their share will have been less than their proportion of the tax when they shall have become relatively more populous. The preponderance of these interests will, of course, determine the action of Congress when the crisis shall have arrived.

If this view of the subject be sound and practical, will any one contend that the disposition of the surplus, according to these propositions, is, in effect, any thing less than a general and unrestricted distribution of it to the States? The repayment is submitted to their action, and is subject to their pleasure; and all the constitutional means for a supply of money to the Treasury, separate from a call for this money, will be constantly as open to them and to their representatives here, as they now are, and will remain, if this distribution be not made. Is, then, the position sound, that Congress will never make the call until a necessity either of levying a direct tax, or of making it, shall exist? And if it be, is the position of the general Government made, in any respect, better, by having required the promise of payment as a condition precedent to dividing out the moneys of the Treasury to the States? Mr. W. said he could not see that it was, while he could see the most fearful evils which might arise from this debtor and creditor relation between the States and this Government. He could foresee incalculable evils which might grow out of the conflicting and contrary interests of the different States, whenever it should be proposed by the federal Government to make the call for this money, and thus attempt to render the promises to pay operative. He was compelled further to apprehend, in consequence of these propositions, should they be adopted, an early agitation of the tariff controversy, and the revival of local questions which have so recently tried the strength of this Union more severely than it had ever before been tried, and given to our institutions a shock which every patriot would long remember, and labor, to the utmost of his power, to avoid in future.

His second objection, Mr. W. said, was against the rule of distribution adopted. It was directed to be made according to the representation of each State in the Senate and House of Representatives. He must suppose, if Congress possess the power, under the constitution, to divide out the moneys in the public Treasury to the States, or to the people of the States, that the rule of distribution must follow that which governs the collection of the same money. That rule is the rule of representation and taxation; is the rule of federal numbers; is the rate of representation, as nearly as may be, by which the States are represented in the House of Representatives. It has never before been proposed to include the Senate in any calculation of equality between the States. The constitution has in no instance included it; and he must think that its inclusion here was against the spirit and against the express provisions of that instrument. How had this money been accumulated? By taxation, direct or indirect. From whom had it been collected? From the people of the States. The constitution prescribed the rule by which, and by which only, Congress might tax them; and that was in proportion to their federal numbers. If the money is not wanted for the uses of the federal Government, to whom does it belong? and to whom should it be returned? Most certainly to the people from whom it has been collected, and in the same proportions which governed its collection from them. It should be distributed, then, upon the federal numbers of the States, or upon their representation in the House of Representatives alone; and the representation in the Senate, which has no relation to the population or tax-paying liabilities of the States, should not be included.

Another argument against the adoption of this rule of distribution, of the strongest character, was to be found in the certainty it would create that the money would never be called for, even to avoid direct taxation. By this rule, all the small States would obtain a large amount of the money to be distributed, beyond the proportion to which their federal numbers would entitle them. Sixteen of the twenty-four States would gain, and eight only would lose. Present, then, in this body, where the States are represented equally, the alternative of a direct tax, or a call upon the States for this money, and which do you think, Mr. President, would be adopted? Would the sixteen States prevail, or the eight? and if the sixteen, which alternative would they choose? That, of course, which the interests of the States represented here, and holding the majority, should dictate. What would be that interest? In the distribution of the money to be repaid, they will have received a proportion much greater than their proportion of federal population, because the rule of distribution included their representation in the Senate. If, then, they consent to the call for repayment, they must return the money received. On the contrary, if these States adopt a direct tax, they have only to raise a sum equal to their exact proportions in the scale of federal numbers, and therefore will be direct gainers by preferring the tax and rejecting a call for the money.

Mr. W. said he must, in justice to himself, state that the fact, that the rule proposed to be adopted would work the greatest injustice to his own State, had very little influence with him in urging this objection. If a distribution was to be made, and New York was to be a recipient, it was his duty to contend for her rights; but in debt as she was, if all her citizens entertained his feelings and opinions upon this subject, they would look, as they most safely might, to her wealth, to her enterprise, to her immense advantages and resources, to pay her debts and carry her on to her high destiny, and would not prostrate her before the national Treasury, for the miserable boon of a few hundred thousand dollars. Were he permitted to advise, his State would never accept the money proposed to be intrusted to her upon the terms prescribed.

Another objection (Mr. W. said) remained to be answered, which had been very generally urged against the propositions he had offered upon this subject. It was, that an investment of the surplus in the manner he had proposed would be unequal, as between the different States; and that those States which had no debt, which had issued no stock, or securities of any description, would obtain no part of the moneys to be invested. A perfect and conclusive answer to this objection might be, that it was at the option of the States to issue stocks or not; and therefore it was at their option to participate or not in these investments, as any State which would issue stocks, and offer them in the market upon the most favorable terms, would, of course, be most likely to obtain investments. This, however, was not the answer upon which he chose to rest his defence to the objection. The objection had arisen from the fact that gentlemen had yielded all their reflections to the various plans for an equal distribution of these moneys to the States; and they had connected, in their minds, the propositions he had made, with reflections of this character. There was no connexion between the two subjects, and he hoped to be able to convince every Senator that the objection was wholly inapplicable, in practice, to the plan of investment he had suggested. There was nothing in the nature of a distribution among the

States connected with the plan. No transaction with the States, of any sort, was proposed. The adoption of the propositions could not benefit or injure any State, or give any one State any possible advantage over any other State. The investments were to be made by a purchase of the stocks in the market, at the market value; and before they could come there, they must have been sold by the State issuing them. That State, therefore, must have received its money, and could have no interest whatever in the sale to the United States, and the purchase by them. It must have taken upon itself the obligation to pay the interest upon the stock at a given time and place, and to redeem the principal at a specified day. No change could be made in these obligations by a transfer of the stocks to the United States, any more than by a similar transfer to any private individual; and whatever premium the Government may pay does not go to the benefit of the State issuing the stock, but to the holder, of whom the purchase is made. So, also, if the Government sell the stock of any State which it may have purchased, the State, or its interests, are in no way affected by the sale: its obligations and responsibilities are unchanged. Mr. W. said, the better to illustrate his meaning, the Senate must permit him to take a simple business example. I give my note to you, Mr. President, for the sum of $100, payable at the expiration of twenty years from its date, with interest at the rate of five per cent. per annum; the interest to be paid annually at a specified place, and the principal to be paid at the same place when it falls due; and I make the note negotiable. Can it, by any possibility, interest me whether you hold that note, or sell it; or whether it be negotiated but once in the whole twenty years, or every week in the term; whether it be held by individuals or bodies politic; by a pauper or by the United States? Mr. W. said he was unable to comprehend how his interests could be affected in the supposed case, and he was equally unable to discover how the interests of the States were to be affected, either beneficially or injuriously, by permitting the United States to purchase their stocks in the market, as a mere investment of money in the Treasury. He was sure gentlemen must see that the objection was groundless, and had proceeded from the mistaken idea that the States, whose stocks should be purchased, were to be materially benefited, and that, therefore, there ought to be some provision to make the purchases equal among the States; whereas, neither the purchase nor sale could affect, in any way, the interests of the State issuing the stocks.

So far from desiring this equality, (Mr. W. said,) the very certain inequality was, to his mind, one of the highest merits of the propositions. It was not likely that the United States would hold the stocks of a large number of States at the same time, and those would be held in very unequal quantities. This fact would cause the representatives of the States against which no securities were held, to attend vigilantly to the collection or disposition of those held against other States, and, in an equal degree, would induce the representatives from those States against which small amounts were held, to see that those against which the amounts were large were made punctually to meet their payments. One of his most important objections to any plan of distribution, with a view to repayment, was predicated upon the fact that all would be equally interested against a repayment; that there would be none to exercise vigilance, because all would resist collection; that repayment would never be made, because there would be no one to demand it. Investments in the manner he proposed would be free from these objections, and would stimulate the majority to watchfulness and care that collections were promptly made.

Mr. W. said he had but one single further suggestion to make, and he would resume his seat. He wished to inquire of those gentlemen who had voted for the land bill, and who now proposed to support the propositions offered by the Senator from South Carolina [Mr. CALHOUN] to distribute the surplus revenue among the States, whether the two measures would, or would not, conflict with each other? whether they were, or were not, intended as antagonist measures? That bill provides for the distribution of the proceeds of the sales of the public lands on specified days, and extends through the year 1837. These propositions make the same disposition of all the revenues in the Treasury, over a given sum to be named, upon specified days, without regard to the sources from which the moneys may have been derived, and extends its action through the year 1841. If he was not mistaken, the distributions under the two bills were to take place, in some instances at least, on the same day. What he wished gentlemen to inform him was, which bill would take the money; for he supposed either would take all which could be called surplus. The rule of distribution was very different in the two cases, and he would be glad to learn whether it was intended, by this measure, to repeal in effect the land bill. His inquiries were particularly directed to the author of this scheme for distribution, and he should await his answer.

When Mr. W. had concluded—

Mr. LEIGH called the attention of the Senate to a provision of the substitute, by which the Secretary of the Treasury, though he cannot change the places of deposite during the session of Congress without its consent; yet, during the recess of Congress, absolute power of such change is given him beyond the remedy of Congress, the Secretary being only required to make a fruitless report of his reasons for the change.

Mr. WRIGHT acknowledged this to be a feature of his substitute for the bill.

On motion of Mr. CALHOUN,

The Senate then adjourned.

SATURDAY, MAY 28.

RESIGNATION OF Mr. HILL.

The CHAIR communicated the following letter of resignation from the Hon. ISAAC HILL; which was read:

WASHINGTON, *May* 28, 1836.

SIR: Having been elected by the citizens of New Hampshire to the office of Chief Magistrate of that State, without waiting a formal official communication of the canvass; and it being expedient that I should enter on the discharge of the duties of the new office during the ensuing week, I communicate to you, and through you to the Senate, information that on Monday next I shall resign my seat in the Senate.

With the best wishes of happiness to yourself, and to the Senators with whom I have been associated,

I am, with great respect,

Your obedient servant,

ISAAC HILL.

Hon. MARTIN VAN BUREN,

Vice President of the United States.

PUBLIC DEPOSITES.

The Senate then proceeded to the consideration of the bill to regulate the deposites of the public money.

After some words from Mr. WRIGHT, in explanation,

Mr. CALHOUN said: This bill, which the Senator from New York proposes to strike out, in order to substitute his amendment, is no stranger to this body. It was reported at the last session by the select committee on Executive patronage, and passed the Senate, after a full and deliberate investigation, by a mixed vote of all parties, of twenty to twelve. As strong as is this

presumptive evidence in its favor, I would, notwithstanding, readily surrender the bill, and adopt the amendment of the Senator from New York, if I did not sincerely believe that it was liable to strong and decisive objections. I seek no lead on this important subject; my sole aim is to aid in applying a remedy to what I honestly believe to be a deep and dangerous disease of the body politic; and I stand prepared to co-operate with any one, be he of what party he may, who may propose a remedy, provided it shall promise to be safe and efficient. I, in particular, am desirous of co-operating with the Senator from New York, not only because I desire the aid of his distinguished talents, but, still more, of his decisive influence with the powerful party of which he is so distinguished a member, and which now, for good or evil, holds the destiny of the country in its hands. It was in this spirit that I examined the amendment proposed by the Senator; and, I regret to say, after a full investigation, I cannot acquiesce in it, as I feel a deep conviction that it will be neither safe nor efficient. So far from being substantially the same as the bill, as stated by the Senator, I cannot but regard it as essentially different, both as to objects and means. The objects of the bill are, first, to secure the public interest, as far as it is connected with the deposites; and, next, to protect the banks in which they are made against the influence and control of the Executive branch of this Government, with the view both to theirs and the public interest. Compared with the bill, in respect to both, the proposed amendment will be found to favor the banks against the people, and the Executive against the banks. I do not desire the Senate to form their opinion on my authority. I wish them to examine for themselves; and, in order to aid them in the examination, I shall now proceed to state, and briefly illustrate, the several points of difference between the bill and the proposed amendment, taking them in the order in which they stand in the bill.

The first section of the bill provides that the banks shall pay at the rate of two per cent. per annum on the deposites for the use of the public money. This provision is entirely omitted in the amendment, which proposes to give to the banks the use of the money without interest. That the banks ought to pay something for the use of the public money, all must agree, whatever diversity of opinion there may be as to the amount. According to the last return of the Treasury Department, there was, on the 1st of this month, $45,000,000 of public money in the thirty-six depository banks, which they are at liberty to use as their own, for discount or business, till drawn out for disbursements; an event that may not happen for years. In a word, this vast amount is so much additional banking capital, giving the same, or nearly the same, profit to those institutions as their permanent chartered capital, without rendering any other service to the public than paying away from time to time the portion that might be required for the service of the Government. Assuming that the banks realize a profit of six per cent. on these deposites, (it cannot be estimated at less,) it would give, on the present amount, nearly three millions of dollars per annum, and, on the probable average public deposites of the year, upwards of two millions of dollars; which enormous profit is derived from the public by comparatively few individuals, without any return or charge, except the inconsiderable service of paying out the drafts of the Treasury when presented. But it is due to the Senator to acknowledge that his amendment is predicated on the supposition that some disposition must be made of the surplus revenue, which would leave in the banks a sum not greater than would be requisite to meet the current expenditure—a supposition which necessarily must affect, very materially affect, the decision of the question of the amount of compensation the banks ought to make to the public for the use of its funds; but, let the disposition be what it may, the omission in the amendment of any compensation whatever is, in my opinion, wholly indefensible.

The next point of difference relates to transfer warrants. The bill prohibits the use of transfer warrants, except with a view to disbursement; while the amendment leaves them without regulation, under the sole control of the Treasury Department. To understand the importance of this difference, it must be borne in mind that the transfer warrants are the lever by which the whole banking operations of the country may be controlled, through the deposites. By them, the public money may be transferred from one bank to another, or from one State or section of the country to another State or section; and thus one bank may be elevated, and another depressed; and a redundant currency created in one State or section, and a deficient in another; and, through such redundancy or deficiency, all the moneyed engagements and business transactions of the whole community may be made dependant on the will of one man. With the present enormous surplus, it is difficult to assign limits to the extent of this power. The Secretary, or the irresponsible agent unknown to the laws, who, rumor says, has the direction of this immense power, (we are not permitted to have certain information,) may raise and depress stocks and property of all descriptions, at his pleasure, by withdrawing from one place and transferring to another, to the unlimited gain of those who are in the secret, and certain ruin of those who are not. Such a field of speculation has never before been opened in any country; a field so great, that the Rothschilds themselves might be tempted to enter it, with their immense funds. Nor is the control which it would give over the politics of the country much less unlimited. To the same extent that it may be used to affect the interests and the fortunes of individuals, to the like extent it may be employed as an instrument of political influence and control. I do not intend to assert that it has or will be so employed: it is not essential at present to inquire how it has or will be used. It is sufficient for my purpose to show, as I trust I have satisfactorily, that it may be so employed. To guard against the abuse of so dangerous a power, the provision was inserted in the bill to prohibit the use of transfer warrants, except, as stated, for the purpose of disbursement; the omission of which provision in the amendment is a fatal objection to it, of itself, were there no other. But it is far from standing alone: the next point of difference will be found to be not less striking and fatal.

The professed object of both the bill and the amendment is to place the safe keeping of the public moneys under the regulation and control of law, instead of being left, as it now is, at the discretion of the Executive. However strange it may seem, the fact is nevertheless so, that the amendment entirely fails to effect the object which it is its professed object to accomplish. In order that it may be distinctly seen that what I state is the case, it will be necessary to view the provisions of the bill and the amendment in reference to the deposite separately, as they relate to the banks in which the public funds are now deposited, and those which may hereafter be selected to receive them.

The bill commences with the former, which it adopts as banks of deposite, and prescribes the regulations and conditions on the observance of which they shall continue such; while, at the same time, it places them beyond the control and influence of the executive department, by placing them under the protection of law so long as they continue faithfully to perform their duty as fiscal agents of the Government. It next authorizes the Secretary of the Treasury to select, under certain circumstances, additional banks of deposite, as the exigency of the public

service may require, on which it imposes like regulations and conditions, and places in like manner under the protection of law. In all this the amendment pursues a very different course. It begins with authorizing the Secretary to select the banks of deposite, and limits the regulations and conditions it imposes on such banks; leaving, by an express provision, the present banks wholly under the control of the Treasury or the executive department, as they now are, without prescribing any time for the selection of other banks of deposite, or making it the duty of the Secretary so to do. The consequence is obvious. The Secretary may continue the present banks as long as he pleases; and so long as he may choose to continue them, the provisions of the amendment, so far as relates to the deposites, will be a dead letter; and the banks, of course, instead of being under the control of the law, will be contrary, as I have said, to the professed object both of the bill and amendment—subject exclusively to his will.

The Senator has attempted to explain this difference, but I must say very unsatisfactorily. He said that the bill prohibited the selection of other banks; and, as he deemed others to be necessary at certain important points, in consequence of the present enormous surplus, he inserted the provision authorizing the selection of other banks. The Senator has not stated the provisions of the bill accurately; so far from not authorizing, it expressly authorizes, the selection of other banks where there are now none; but I presume he intended to limit his remarks to places where there are no existing banks of deposite. Thus limited, the fact is as he states; but it by no means explains the extraordinary omission (for such I must consider it) of not extending the regulations to the existing banks, as well as to those hereafter to be selected. If the public service requires additional banks at New York and other important points, in consequence of the vast sums deposited there, (as I readily agree it does,) if no disposition is to be made of the surplus, it is certainly a very good reason for enlarging the provisions of the bill, by authorizing the Secretary to select other banks at those points; but it is impossible for me to comprehend how it proves that the regulations which the amendment proposes to impose should be exclusively limited to such newly selected banks. Nor do I see why the Senator has not observed the same rule in this case, as that which he adopted in reference to the compensation the banks ought to pay for the use of the public money. He omitted to provide for any compensation, on the ground that his amendment proposed to dispose of all the surplus money, leaving in the possession of the banks a sum barely sufficient to meet the current expenditure, for the use of which he did not consider it right to charge a compensation. On the same principle, it was unnecessary to provide for the selection of additional banks where there are now banks of deposite, as they would be ample if the surplus was disposed of. In this I understood the Senator himself to concur.

But it is not only in the important point of extending the regulations to the existing banks of deposite, that the bill and the amendment differ. There is a striking difference between them in reference to the authority of Congress over the banks of deposite embraced both in the bill and the amendment. The latter, following the provision in the charter of the late Bank of the United States, authorizes the Secretary to withdraw the public deposites, and to discontinue the use of any one of the banks, whenever, in his opinion, such bank shall have violated the conditions on which it has been employed, or the public funds are not safe in its vaults, with the simple restriction, that he shall report the fact to Congress. We know from experience how slight is the check which this restriction imposes. It not only requires the concurrence of both Houses of Congress to overrule the act of the Secretary, where his power may be improperly exercised, but the act of Congress itself, intended to control such exercise of power, may be overruled by the veto of the President, at whose will the Secretary holds his place; so as to leave the control of the banks virtually under the control of the executive department of the Government. To obviate this, the bill vests the Secretary with the power simply of withdrawing the deposites and suspending the use of the bank as a place of deposite, and provides that, if Congress shall not confirm the removal, the deposite shall be returned to the bank after the termination of the next session of Congress.

The next point of difference is of far less importance, and is only mentioned as tending to illustrate the different character of the bill and the amendment. The former provides that the banks of deposite shall perform the duties of commissioners of loans, without compensation, in like manner as was the duty of the late Bank of the United States and its branches, under its charter. Among these duties is that of paying the pensioners—a very heavy branch of disbursement, and attended with considerable expense, and which will be saved to the Government under the bill, but will be lost if the amendment should prevail.

Another difference remains to be pointed out, relating to the security of the deposites. With so large an amount of public money in their vaults, it is important that the banks should always be provided with ample means to meet their engagements. With this view, the bill provides that the specie in the vaults of the several banks, and the aggregate of the balance in their favor with other specie-paying banks, shall be equal to one fifth of the entire amount of their notes and bills in circulation, and their public and private deposites—a sum, as is believed, sufficient to keep them in a sound and solvent condition. The amendment, on the contrary, provides that the banks shall keep in their own vaults, or the vaults of other banks, specie equal to one fourth of its notes and bills in circulation, and the balance of its accounts with other banks payable on demand.

I regret that the Senator has thought proper to change the phraseology, and to use terms less clear and explicit than those in the bill. I am not certain that I comprehend the exact meaning of the provision in the amendment. What is meant by specie in the vaults of other banks? In a general sense, all deposites are considered as specie; but I cannot suppose that to be the meaning in this instance, as it would render the provision in a great measure inoperative. I presume the amendment means special deposites in gold and silver in other banks, placed there for safe keeping, or to be drawn on, and not to be used by the bank in which it is deposited. Taking that to be the meaning, what is there to prevent the same sum from being twice counted in estimating the means of the several banks of deposite? Take two of them, one having $100,000 in specie in its vaults, and the other the same amount in the vaults of the other bank, which, in addition, has besides another $100,000 of its own: what is there to prevent the latter from returning, under the amendment, $200,000 of specie in its vaults, while the former would return $100,000 in its own vaults, and another in the vaults of the other bank, making, in the aggregate, between them, $400,000, when, in reality, the amount in both would be but $300,000?

But this is not the only difference between the bill and the amendment, in this particular, deserving of notice. The object of the provision is to compel the banks of deposite to have, at all times, ample means to meet their liabilities, so that the Government should have sufficient assurance that the public moneys in their vaults would be forthcoming when demanded. With this

view, the bill provides that the available means of the bank shall never be less than one fifth of its aggregate liabilities, including bills, notes, and deposites, public and private; while the amendment entirely omits the private deposites, and includes only the balance of its deposites with other banks. This omission is the more remarkable, inasmuch as the greater portion of the liabilities of the deposite banks must, with the present large surplus, result from their deposites, as every one who is familiar with banking operations will readily perceive.

I have now presented to the Senate the several points of difference which I deem material between the bill and the amendment, with such remarks as to enable them to form their own opinion, in reference to the difference, so that they may decide how far the assertion is true, with which I set out, that, wherever they differ, the amendment favors the banks against the interests of the public, and the Executive against the banks.

The Senator, acting on the supposition that there would be a permanent surplus, beyond the expenditure of the Government, which neither justice nor regard to the public interest would permit to remain in the banks, has extended the provisions of his amendment, with great propriety, so as to comprehend a plan to withdraw the surplus from the banks. His plan is to vest the commissioners of the sinking fund with authority to estimate, at the beginning of every quarter, the probable receipts and expenditures of the quarter; and if, in their opinion, the receipts, with the money in the Treasury, should exceed the estimated expenditure by a certain sum, say $5,000,000, the excess should be vested in State stocks; and if it should fall short of that sum, a sufficient amount of the stocks should be sold to make up the deficit. We have thus presented for consideration the important subject of the surplus revenue, and with it the question so anxiously and universally asked, What shall be done with the surplus? Shall it be expended by the Government, or remain where it is, or be disposed of as proposed by the Senator? Or, if not, what other disposition shall be made of it? Questions, the investigation of which necessarily embraces the entire circle of our policy, and on the decision of which the future destiny of the country may depend.

But before we enter on the discussion of this important question, it will be proper to ascertain what will be the probable available means of the year, in order that some conception may be formed of the probable surplus which may remain, by comparing it with the appropriations that may be authorized.

According to the late report of the Secretary of the Treasury, there was deposited in the several banks little upwards of $33,000,000 at the termination of the first quarter of the year, not including the sum of about $3,000,000 deposited by the disbursing agents of the Government. The same report stated the receipts of the quarter at about $11,000,000, of which lands and customs yielded nearly an equal amount. Assuming for the three remaining quarters an equal amount, it would give for the entire receipts of the year $44,000,000. I agree with the Senator, that this sum is too large. The customs will probably average an amount throughout the year corresponding with the receipts of the first quarter; but there probably will be a considerable falling off in the receipts from the public lands. Assuming $7,000,000 as the probable amount, which I presume will be ample, the receipts of the year, subtracting that sum from $44,000,000, will be $37,000,000; and subtracting from that $11,000,000, the receipts of the first quarter would leave $26,000,000 as the probable receipts of the last three quarters. Add to this sum $33,000,000, the amount in the Treasury on the last day of the first quarter, and it gives $59,000,000. To this add the amount of stock in the United States Bank, which at the market price is worth at least $7,000,000, and we have $66,000,000, which I consider as the least amount at which the probable available means of the year can be fairly estimated. It will probably very considerably exceed this amount. The range may be put down at between $66,000,000 and $73,000,000, which may be considered as the two extremes, between which the means of the year may vibrate. But in order to be safe, I have assumed the least of the two.

The first question which I propose to consider is, shall this sum be expended by the Government in the course of the year? A sum nearly equal to the entire debt of the war of the Revolution, by which the liberty and independence of these States were established; more than five times greater than the expenditure of the Government at the commencement of the present administration, deducting the payments on account of the public debt, and more than four times greater than the average annual expenditure of the present administration, making the same deduction, extravagant as its expenditure has oeen. The very magnitude of the sum decides the question against expenditure. It may be wasted, thrown away, but it cannot be expended. There are not objects on which to expend it; for proof of which I appeal to the appropriations already made and contemplated. We have passed the navy appropriations, which, as liberal as they are admitted to be on all sides, are raised only about $2,000,000, compared with the appropriations of the last year. The appropriations for fortifications, supposing the bills now pending should pass, will amount to about $3,500,000, and would exceed the ordinary appropriations, assuming them at $1,000,000, which I hold to be ample, by $2,500,000. Add a million for ordnance, seven or eight for Indian treaties, and four for Indian wars, and supposing the companies of the regular army to be filled as recommended by the War Department, the aggregate amount, including the ordinary expenditures, would be between thirty and thirty-five millions, and would leave a balance of at least $30,000,000 in the Treasury at the end of the year.

But suppose objects could be devised on which to expend the whole of the available means of the year, it would still be impossible to make the expenditure, without immense waste and confusion. To expend so large an amount regularly and methodically, would require a vast increase of able and experienced disbursing officers, and a great enlargement of the organization of the Government in all the branches connected with disbursements. To effect such an enlargement, and to give a suitable organization, placed under the control of skilful and efficient officers, must necessarily be a work of time; but, without it, so sudden and great an increase of expenditure would necessarily be followed by inextricable confusion and heavy losses.

But suppose this difficulty overcome, and suitable objects could be devised, would it be advisable to make the expenditure? Would it be wise to draw so vast an amount of productive labor, to be employed in unproductive objects, in building fortifications, dead walls, and in lining the interior frontier with a large military force, neither of which would add a cent to the productive power of the country?

The ordinary expenditure of the Government, under the present administration, may be estimated say at $18,000,000--a sum exceeding, by five or six millions, what, in my opinion, is sufficient for a just and efficient administration of the Government. Taking eighteen from sixty-six, would leave forty-eight millions as the surplus, if the affairs of the Government had been so administered as to avoid the heavy expenditures of the year, which, I firmly believe, with early and prudent

counsel, might have been effected. The expenditure of this sum, estimating labor at $20 a month, would require 200,000 operatives, equal to one third of the whole number of laborers employed in producing the great staple of our country, which is spreading wealth and prosperity over the land, and controlling, in a great measure, the commerce and manufactures of the world. But take what will be the actual surplus, and estimate that at half the sum which, with prudence and economy, it might have been, and it would require the subtraction of 100,000 operatives from their present useful employment, to be employed in the unproductive service of the Government. Would it, I again repeat, be wise to draw off this immense mass of productive labor, in order to employ it in building fortifications, and swelling the military establishment of the country? Would it add to the strength of the Union, or give increased security to its liberty, or accelerate its prosperity?—the great objects for which the Government was constituted.

To ascertain how the strength of any country may be best developed, its peculiar state and condition must be taken into consideration. Looking to ours with this view, who can doubt that, next to our free institutions, the main source of our growing greatness and power is to be found in our great and astonishing increase of numbers, wealth, and facility of intercourse? If we desire to see our country powerful, we ought to avoid any measure opposed to their development, and, in particular, ought to make the smallest possible draught, consistent with our peace and security, on the productive powers of the country. Let these have the freest possible play. Leave the resources of individuals under their own direction to be employed in advancing theirs and their country's wealth and prosperity, with the extraction of the least amount required for the expenditure of the Government; and draw off not a single laborer from their present productive pursuits to the unproductive employment of the Government, excepting such as the public service may render indispensable. Who can doubt that such a policy would add infinitely more to the power and strength of the country than the extravagant scheme of spending millions on fortifications and the increase of the military establishment?

Let us next examine how the liberty of the country may be affected by the scheme of disposing of the surplus by disbursements. And here I would ask, is the liberty of the country at present in a secure and stable condition; and if not, by what is it endangered? And will an increase of disbursements augment or diminish the danger?

Whatever may be the diversity of opinion on other points, there is not an intelligent individual of any party, who regards his reputation, that will venture to deny that the liberty of the country is at this time more insecure and unstable than it ever has been. We all know that there is in every portion of the Union, and with every party, a deep feeling that our political institutions are undergoing a great and hazardous change. Nor is the feeling much less strong, that the vast increase of the patronsge and influence of the Government is the cause of the great and fearful change which is so extensively affecting the character of our people and institutions. The effect of increasing the expenditures at this time, so as to absorb the surplus, would be to double the number of those who live, or expect to live, by the Government, and in the same degree augment its patronage and influence, and accelerate that downward course which, if not arrested, must speedily terminate in the overthrow of our free institutions.

These views I hold to be decisive against the wild attempt to absorb the immense means of the Government by the expenditures of the year. In fact, with the exception of a few individuals, all seem to regard the scheme either as impracticable or unsafe; but there are others who, while they condemn the attempt of disposing of the surplus by immediate expenditures, believe it can be safely and expediently expended, in a period of four or five years, on what they choose to call the defences of the country.

In order to determine how far this opinion is correct, it will be necessary first to ascertain what will be the available means of the next four or five years; by comparing which with what ought to be the expenditure, we may determine whether the plan would, or would not, be expedient. In making the calculation, I will take the term of five years, including the present, and which of course will comprehend 1840; after the termination of which, the duties above twenty per cent. are to go off, by the provisions of the compromise act, in eighteen months, when the revenue is to be reduced to the economical and just wants of the Government.

The available means of the present year, as I have already shown, will equal at least $66,000,000. That of the next succeeding four years (including 1840) may be assumed to be twenty-one millions annually. The reason for this assumption may be seen in the report of the select committee at the last session, which I have reviewed, and in the correctness of which I feel increased confidence. The amount may fall short of, but will certainly not exceed, the estimate in the report, unless some unforeseen event should occur. Assuming, then, $21,000,000 as the average receipts of the next four years, it will give an aggregate of $84,000,000, which, added to the available means of this year, will give $150,000,000 as the sum that will be at the disposal of the Government for the period assumed. Divide this sum by five, the number of years, and it will give $30,000,000 as the average annual available means of the period.

The next question for consideration is, will it be expedient to raise the disbursement during the period to an average expenditure of $30,000,000 annually? The first and strong objection to the scheme is, that it would leave in the deposite banks a heavy surplus during the greater part of the time, beginning with a surplus of upwards of thirty millions at the commencement of next year, and decreasing at the rate of eight or nine millions a year, till the termination of the period. But, passing this objection by, I meet the question directly. It would be highly inexpedient and dangerous to attempt to keep up the disbursements at so high a rate. I ask, on what shall this money be expended? Shall it be expended by an increase of the military establishment? by an enlargement of the appropriations for fortifications, ordnance, and the navy, far beyond what is proposed for the present year? Have those who advocate the scheme reflected to what extent this enlargement must be carried, to absorb so great a sum? Even this year, with the extraordinary expenditure upon Indian treaties and Indian wars, and with profuse expenditure in every other branch of service, the aggregate amount of appropriations will not greatly exceed $30,000,000, and that of disbursements will not probably equal that sum. To what extent, then, must the appropriations for the army, the navy, the fortifications, and the like, be carried, in order to absorb that sum, especially with a declining expenditure in several branches of the service, particularly in the pensions, which, during the period, will fall off more than a million of dollars? But, in order to take a full view of the folly and danger of the scheme, it will be necessary to extend our view beyond 1842, in order to form some opinion of what will be the income of the Government when the tariff shall be so reduced, under the compromise act, that no duty shall exceed twenty per cent. ad valorem. I know that any estimate made

at this time cannot be considered much more than conjectural; but still it would be imprudent to adopt a system of expenditure now, without taking into consideration the probable state of the revenue a few years hence.

After bestowing due reflection on the subject, I am of the impression that the income from the imposts after the period in question will not exceed $10,000,000. It will probably fall below, rather than rise above, that sum. I assume as the basis of this estimate, that our consumption of foreign articles will not then exceed $150,000,000. We all know that the capacity of the country to consume depends upon the value of its domestic exports, and the profits of its commerce and navigation. Of its domestic exports it would not be safe to assume any considerable increase in any article except cotton. To what extent the production and consumption of this great staple, which puts in motion so vast an amount of the industry and commerce of the world, may be increased between now and 1842, is difficult to conjecture; but I deem it unsafe to suppose that it can be so increased as to extend the capacity of the country to consume beyond the limits I have assigned. Assuming, then, the amount which I have, and dividing the imports into free and dutiable articles, the latter, according to the existing proportion between the two descriptions, would amount in value to something less than $70,000,000. According to the compromise act, no duty, after the period in question, can exceed twenty per cent., and the rates would range from that down to five or six per cent. Taking fifteen per cent. as the average, which would be probably full high, and allowing for the expenses of collection, the nett income would be something less than $10,000,000.

The income from public lands is still more conjectural than that from customs. There are so many and such various causes in operation affecting this source of the public income, that it is exceedingly difficult to form even a conjectural estimate as to its amount beyond the current year. But, in the midst of this uncertainty, one fact may be safely assumed, that the purchases during the last year, and thus far this, greatly exceed the steady progressive demand for public lands, from increased population, and the consequent emigration to the new States and Territories. Much of the purchases have been unquestionably made upon speculation, with a view to resales, and must, of course, come into market hereafter in competition with the lands of the Government, and to that extent must reduce the income from their sales. Estimating even the demand for public lands from what it was previous to the recent large sales, and taking into estimate the increased population and wealth of the country, I do not consider it safe to assume more than $5,000,000 annually from this branch of the revenue, which, added to the customs, would give for the annual receipts between fourteen and fifteen millions of dollars after 1842.

I now ask whether it would be prudent to raise the public expenditures to the sum of $30,000,000 annually, during the intermediate period, with the prospect that they must be suddenly reduced to half of that amount? Who does not see the fierce conflict which must follow between those who may be interested in keeping up the expenditures, and those who have an equal interest against an increase of the duties as the means of keeping them up? I appeal to the Senators from the South, whose constituents have so deep an interest in low duties, to resist a course so impolitic, unwise, and extravagant, and which, if adopted, might again renew the tariff, so recently thrown off by such hazardous and strenuous efforts, with all its oppression and disaster. Let us remember what occurred in the fatal session of 1828. With a folly unparalleled, Congress then raised the duties to a rate so enormous as to average one half the value of the imposts, when on the eve of discharging the debt, and when, of course, there would be no objects on which the immense income from such extravagant duties could be justly and constitutionally expended. It is amazing that there was such blindness then as not to see what has since followed—the sudden discharge of the debt and an overflowing Treasury, without the means of absorbing the surplus; the violent conflict resulting from such a state of things; and the vast increase of the power and patronage of the Government, with all its corrupting consequences. We are now about, I fear, to commit an error of a different character: to raise the expenditure far beyond all example in time of peace, and with a decreasing revenue, which must, with equal certainty, bring on another conflict not much less dangerous, in which the struggle will not be to find objects to absorb an overflowing Treasury, but to devise means to continue an expenditure far beyond the just and legitimate wants of the country. It is easy to foresee that, if we are thus blindly to go on in the management of our affairs, without regard to the future, the frequent and violent concussions which must follow from such folly cannot but end in a catastrophe that will ingulf our political institutions.

With such decided objections to the dangerous and extravagant scheme of absorbing the surplus by disbursements, I proceed to the next question, Shall the public money remain where it now is? Shall the present extraordinary state of things, without example or parallel, continue, of a Government calling itself free, extracting from the people millions beyond what it can expend, and placing that vast sum in the custody of a few monopolizing corporations selected at the sole will of the Executive, and continued during his pleasure, to be used as their own from the time it is collected till it is disbursed? To this question there must burst from the lips of every man who loves his country and its institutions, and who is the enemy of monopoly, injustice, and oppression, an indignant *no*. And here let me express the pleasure I feel, that the Senator from New York, in moving his amendment, however objectionable his scheme, has placed himself in opposition to the continuance of the present unheard-of and dangerous state of things; and I add, as a simple act of justice, that the tone and temper of his remarks in support of his amendment were characterized by a courtesy and liberality which I, on my part, shall endeavor to imitate. But I fear, notwithstanding this favorable indication in so influential a quarter, the very magnitude of the evil (too great to be concealed) will but serve to perpetuate it. So great and various are the interests enlisted in its favor, that I greatly fear that all the efforts of the wise and patriotic to arrest it will prove unavailing. At the head of these stand the depository banks themselves, with their numerous stockholders and officers; with their $40,000,000 of capital, and an equal amount of public deposites, associated into one great combination extending over the whole Union, under the influence and control of the Treasury Department. The whole weight of this mighty combination, so deeply interested in the continuance of the present state of things, is opposed to any change. To this powerful combination must be added the numerous and influential body who are dependant on banks to meet their engagements, and who, whatever may be their political opinions, must be alarmed at any change which may limit their discounts and accommodation. Then come the stock-jobbers, a growing and formidable class, who live by raising and depressing stocks, and who behold in the present state of things the most favorable opportunity of carrying on their dangerous and corrupting pursuits. With the control which the Secretary of the Treasury has over the banks of deposite, through transfer warrants, with the power of withdrawing the

deposites at pleasure, he may, whenever he chooses, raise and depress the stock of any bank; and, if disposed to use this tremendous power for corrupt purposes, may make the fortunes of the initiated, and overwhelm in sudden ruin those not in the secret. To the stock-jobbers must be added speculators of every hue and form; and, in particular, the speculators in public lands, who, by the use of the public funds, are rapidly divesting the people of the noble patrimony left by our ancestors in the public domain, by giving in exchange what may in the end prove to be broken credit and worthless rags. To these we must add the artful and crafty politicians who wield this mighty combination of interests for political purposes. I am anxious to avoid mingling party politics in this discussion; and that I may not even seem to do so, I shall not attempt to exhibit, in all its details, the fearful, and, I was about to add, the overwhelming power which the present state of things places in the hands of those who have control of the Government, and which, if it be not wielded to overthrow our institutions and destroy all responsibility, must be attributed to their want of inclination, and not to their want of means.

Such is the power and influence interested to continue the public money where it is now deposited. To these there are opposed the honest, virtuous, and patriotic, of every party, who behold in the continuance of the present state of things almost certain convulsion and overthrow of our liberty. There would be found on the same side the great mass of the industrious and laboring portion of the community, whose hard earnings are extracted from them without their knowledge, were it not that what is improperly taken from them is successfully used as the means of deceiving and controlling them. If such were not the case—if those who work could see how those who profit are enriched at their expense—the present state of things would not be endured for a moment; but, as it is, I fear that from misconception, and consequent want of union and co-operation, things may continue as they are, till it will be too late to apply a remedy. I trust, however, that such will not be the fact; that the people will be roused from their false security, and that Congress will refuse to adjourn till an efficient remedy is applied. In this hope I recur to the inquiry, what shall that remedy be? Shall we adopt the measure recommended by the Senator from New York, which, as has been stated, proposes to authorize the commissioners of the sinking fund to ascertain the probable income of each quarter, and, if there should be a probable excess above $5,000,000, to vest the surplus in the purchase of State stocks; but, if there should be a deficiency, to sell so much of the stock previously purchased as would make up the difference.

I regret that the Senator has not furnished a statement of facts sufficiently full to enable us to form an opinion of what will be the practical operation of his scheme. He has omitted, for instance, to state what is the aggregate amount of stocks issued by the several States—a fact indispensable in order to ascertain how the price of the stocks would be affected by the application of the surplus to their purchase. All who are in the least familiar with subjects of this kind, must know that the price of stock rises proportionably with the amount of the sum applied to their purchase. I have already shown that the probable surplus at the end of this year, notwithstanding the extravagance of the appropriations, will be between thirty and thirty-five millions; and before we can decide understandingly whether this great sum can with propriety be applied as the Senator proposes, we should know whether the amount of State stocks be sufficient to absorb it, without raising their price extravagantly high.

The Senator should also have informed us, not only as to the amount of the stock, but how it is distributed among the States, in order to enable us to determine whether his scheme would operate equally between them. In the absence of correct information on both of these points, we are compelled to use such as we may possess, however defective and uncertain, in order to make up our mind on his amendment.

We all know, then, that while several of the States have no stocks, and many a very inconsiderable amount, three of the large States (Pennsylvania, Ohio, and New York) have a very large amount, not less in the aggregate, if I am correctly informed, than thirty-five or forty millions. What amount is held by the rest of the States is uncertain; but I suppose that it may be safely assumed that, taking the whole, it is less than that held by those States. With these facts, it cannot be doubted that the application of the surplus, as proposed to be applied by the Senator, would be exceedingly unequal among the States, and that the advantage of the application would mainly accrue to these three States. To meet these objections, the Senator, while he does not deny that the application of the surplus will greatly raise the price of stocks, insists that the States issuing them will not derive any benefit from the advance, and consequently have no interest in the question of the application of the surplus to their purchase.

If by States he means the Government of the States, the view of the Senator may be correct. They may, as he says, have but little interest in the market value of their stocks, as they must be redeemed by the same amount, whether that be high or low. But if we take a more enlarged view, and comprehend the people of the State, as well as the Government, the argument entirely fails. The Senator will not deny that the holders have a deep interest in the application of so large a sum as the present surplus in the purchase of their stocks. He will not deny that such application must greatly advance the price; and, of course, in determining whether the States having stocks will be benefited by applying the surplus as he proposes, we must first ascertain who are the holders. Where do they reside? Are they foreigners residing abroad? If so, would it be wise to apply the public money so as to advance the interests of foreigners, to whom the States are under no obligation, but honestly to pay them the debts which they have contracted? But if not held by foreigners, are they held by citizens of such States? If such be the fact, will the Senator deny that those States will be deeply interested in the application of the surplus as proposed in his amendment, when the effects of such application must be, as is conceded on all sides, greatly to enhance the price of the stocks, and consequently to increase the wealth of their citizens? Let us suppose that, instead of purchasing the stocks of the States in which his constituents are interested, the Senator's amendment had proposed to apply the present enormous surplus to the purchase of cotton or slaves, in which the constituents of the southern Senators are interested: would any one doubt that the cotton-growing or slave-holding States would have a deep interest in the question? It will not be denied that, if so applied, their price would be greatly advanced, and the wealth of their citizens proportionably increased. Precisely the same effect would result from the application to the purchase of stocks, with like benefits to the citizens of the States which have issued large amounts of stock. The principle is the same in both cases.

But there is another view of the subject which demands most serious consideration. Assuming, what will not be questioned, that the application of the surplus, as proposed by the amendment, will be very unequal among the States, some having little or none, and others a large

amount of stocks, the result would necessarily be to create, in effect, the relation of debtor and creditor between the States. The States, whose stocks might be purchased by the commissioners, would become the debtors of the Government; and as the Government would, in fact, be but the agent between them and the other States, the latter would, in reality, be their creditors. This relation between them could not fail to be productive of important political consequences, which would influence all the operations of the Government. It would, in particular, have a powerful bearing upon the Presidential election; the debtor and creditor States each striving to give such a result to the elections as might be favorable to their respective interests; the one to exact, and the other to exempt themselves from the payment of the debt. Supposing the three great States to which I have referred, whose united influence would have so decided a control, to be the principal debtor States (as would, in all probability, be the fact) it is easy to see that the result would be, finally, the release of the debt, and consequently a correspondent loss to the creditor, and gain to the debtor States.

But there is another view of the subject still more deserving, if possible, of attention, than either of those which have been presented. It is impossible not to see, after what has been said, that the power proposed to be conferred by the amendment of the Senator, of applying the surplus in buying and selling the stocks of the States, is one of great extent, and calculated to have powerful influence, not only on a large body of the most wealthy and influential citizens of the States which have issued stocks, but on the States themselves. The next question is, in whom is the exercise of this power to be vested? Where shall we find individuals sufficiently detached from the politics of the day, and whose virtue, patriotism, disinterestedness, and firmness, can raise them so far above political and sinister motives, as to exercise powers so high and influential, exclusively for the public good, without any view to personal or political aggrandizement? Who has the amendment selected as standing aloof from politics, and possessing these high qualifications? Who are the present commissioners of the sinking fund, to whom this high and responsible trust is to be confided? At the head stands the Vice President of the United States, with whom the Chief Justice of the United States, the Secretary of State, the Secretary of the Treasury, and the Attorney General, are associated; all party men, deeply interested in the maintenance of power in the present hands, and having the strongest motives to apply the vast power which the amendment would confer upon them, should it become a law, to party purposes. I do not say it would be so applied; but I must ask, would it be prudent, would it be wise, would it be seemly, to vest such great and dangerous powers in those who have so strong a motive to abuse them, and who, if they should have elevation and virtue enough to resist the temptation, would still be suspected of having used the power for sinister and corrupt purposes? I am persuaded that, in drawing the amendment, the Senator from New York has, without due reflection on the impropriety of vesting the power where he proposes, inadvertently inserted the provision which he has; and that, on review, he will concur with me, that, should his amendment be adopted, the power ought to be vested in others, less exposed to temptation, and consequently less exposed to suspicion.

I have now stated the leading objections to the several modes of disposing of the surplus revenue, which I propose to consider; and the question again recurs, What shall be done with the surplus? The Senate is not uninformed of my opinion on this important subject. Foreseeing that there would be a large surplus, and the mischievous consequences that must follow, I moved, during the last session, for a select committee, which, among other measures, reported a resolution so to amend the constitution as to authorize a temporary distribution of the surplus among the States; but so many doubted whether there would be a surplus at the time, that it rendered all prospect of carrying the resolution hopeless. My opinion still remains unchanged, that the measure then proposed was the best; but so rapid has been the accumulation of the surplus, even beyond my calculation, and so pressing the danger, that what would have been then an efficient remedy, would now be too tardy to meet the danger; and, of course, another remedy must be devised more speedy in its action.

After bestowing on the subject the most deliberate attention, I have come to the conclusion that there is no other so safe, so efficient, and so free from objections, as the one I have proposed--of depositing the surplus that may remain at the termination of the year in the treasuries of the several States, in the manner provided for in the amendment. But the Senator from New York objects to the measure, that it would, in effect, amount to a distribution, on the ground, as he conceives, that the States would never refund. He does not doubt but that they would, if called on to refund by the Government; but he says that Congress will in fact never make the call. He rests this conclusion on the supposition that there would be a majority of the States opposed to it. He admits, in case the revenue should become deficient, that the southern or staple States would prefer to refund their quota, rather than to raise the imposts to meet the deficit; but he insists that the contrary would be the case with the manufacturing States, which would prefer to increase the imposts to refunding their quota, on the ground that the increase of the duties would promote the interests of manufactures. I cannot agree with the Senator that those States would assume a position so utterly untenable as to refuse to refund a deposite which their faith would be plighted to return, and rest the refusal on the ground of preferring to lay a tax, because it would be a bounty to them, and would consequently throw the whole burden of the tax on the other States. But, be this as it may, I can tell the Senator that, if they should take a course so unjust and monstrous, he may be assured that the other States would most unquestionably resist the increase of the imposts; so that the Government would have to take its choice, either to go without the money, or call on the States to refund the deposites. But I so far agree with the Senator as to believe that Congress would be very reluctant to make the call; that it would not make it till, from the wants of the Treasury, it should become absolutely necessary; and that, in order to avoid such necessity, it would resort to a just and proper economy in the public expenditures as the preferable alternative. I see in this, however, much good instead of evil. The Government has long since departed from habits of economy, and has fallen into a profusion, a waste, and an extravagance in its disbursements, rarely equalled by any free State, and which threatens the most disastrous consequences.

But I am happy to think that the ground on which the objection of the Senator stands may be removed, without materially impairing the provisions of the bill. It will require but the addition of a few words to remove it, by giving to the deposites all the advantages, without the objections which he proposes by his plan. It will be easy to provide that the States shall authorize the proper officers to give negotiable certificates of deposite, which shall not bear interest till demanded, when they shall bear the usual rates till paid. Such certificates would be, in fact, State stocks, every way similar to that in which the Senator proposes to vest the surplus, but with this striking superiority: that, in-

stead of being partial, and limited to a few States, they would be fairly and justly apportioned among the several States. They would have another striking advantage over his. They would create among all the members of the confederacy reciprocally the relation of debtor and creditor, in proportion to their relative weight in the Union; which, in effect, would leave them in their present relation, and would of course avoid the danger that would result from his plan, which, as has been shown, would necessarily make a part of the States debtors to the rest, with all the danger resulting from such relation.

The next objection of the Senator is to the ratio of distribution, proposed in the bill, among the States, which he pronounces to be unequal, if not unconstitutional. He insists that the true principle would be to distribute the surplus among the States in proportion to the representation in the House of Representatives, without including the Senators, as is proposed in the bill; for which he relies on the fact, that, by the constitution, representation and taxation are to be apportioned in the same manner among the States.

The Senate will see that the effect of adopting the ratio supported by the Senator would be to favor the large States, while that in the bill will be more favorable to the small.

The State I in part represent occupies a neutral position between the two. She cannot be considered either a large or a small State, forming, as she does, one twenty-fourth part of the Union, and of course it is the same to her whichever ratio may be adopted. But I prefer the one contained in my amendment, on the ground that it represents the relative weight of the States in the Government. It is the weight assigned to them in the choice of the President and Vice President in the electoral college, and, of course, in the administration of the laws. It is also that assigned to them in the making of the laws by the action of the two Houses, and corresponds very nearly to their weight in the judicial department of the Government; the judges being nominated by the President and confirmed by the Senate. In addition, I was influenced in selecting the ratio by the belief that it was a wise and magnanimous course, in case of doubt, to favor the weaker members of the confederacy. The larger can always take care of themselves, and, to avoid jealousy and improper feelings, ought to act liberally towards the weaker members of the confederacy. To which may be added, that I am of the impression that, even on the principle assumed by the Senator, that the distribution of the surplus ought to be apportioned on the ratio with direct taxation, (which may be well doubted,) the ratio which I support would conform in practice more nearly to the principle than that which he supports. It is a fact not generally known, that representation in the other House, and direct taxes, should they be laid, would be very far from being equal, although the constitution provides that they should be. The inequality would result from the mode of apportioning the Representatives. Instead of apportioning them among the States, as near as may be, as directed by the constitution, an artificial mode of distribution has been adopted, which in its effects gives to the large States a greater number, and to the small a less, than that to which they are entitled. I would refer those who may desire to understand how this inequality is effected, to the discussion in this body on the apportionment bill, under the last census. So great is this inequality, that, were a direct tax to be laid, New York, for instance, would have at least three members more than her apportionment of the tax would require. The ratio which I have proposed would, I admit, produce as great an inequality in favor of some of the small States, particularly the old, whose population is nearly stationary; but, among the new and growing members of the confederacy, which constitute the greater portion of the small States, it would not give them a larger share of the deposites than what they would be entitled to on the principle of direct taxes. But the objection of the Senator to the ratio of distribution, like his objection to the condition on which the bill proposes to make it, is a matter of small comparative consequence. I am prepared, in the spirit of concession, to adopt either, as one or the other may be more acceptable to the Senate.

It now remains to compare the disposition of the surplus proposed in the bill with the others I have discussed; and, unless I am greatly deceived, it possesses great advantages over them. Compared with the scheme of expending the surplus, its advantage is, that it would avoid the extravagance and waste which must result from suddenly more than quadrupling the expenditures, without a corresponding organization in the disbursing department of the Government to enforce economy and responsibility. It would also avoid the diversion of so large a portion of the industry of the country from its present useful direction to unproductive objects, with heavy loss to the wealth and prosperity of the country, as has been shown; while it would, at the same time, avoid the increase of the patronage and influence of the Government, with all their corruption and danger to the liberty and institutions of the country. But its advantages would not be limited simply to avoiding the evil of extravagant and useless disbursements. It would confer positive benefits, by enabling the States to discharge their debts, and complete a system of internal improvements by railroads and canals, which would not only greatly strengthen the bonds of the confederacy, but increase its power, by augmenting infinitely our resources and prosperity.

I do not deem it necessary to compare the disposition of the surplus which is proposed in the bill with the dangerous, and, I must say, wicked scheme of leaving the public funds where they are, in the banks of deposite, to be loaned out by those institutions to speculators and partisans, without authority or control of law.

Compared with the plan proposed by the Senator from New York, it is sufficient, to prove its superiority, to say that, while it avoids all of the objections to which his is liable, it at the same time possesses all the advantages, with others peculiar to itself. Among these, one of the most prominent is, that it provides the only efficient remedy for the deep-seated disease which now afflicts the body politic, and which threatens to terminate so fatally, unless it be speedily and effectually arrested.

All who have reflected on the nature of our complex system of government, and the dangers to which it is exposed, have seen that it is susceptible, from its structure, to two dangers of opposite character: one threatening consolidation, and the other anarchy and dissolution. From the beginning of the Government we find a difference of opinion among the wise and patriotic, as to which the Government was most exposed; one party believing that the danger was that the Government would absorb the reserved powers of the States, and terminate in consolidation; while the other were equally confident that the States would absorb the powers of the Government, and the system end in anarchy and dissolution. It was this diversity of opinion which gave birth to the two great, honest, and patriotic parties which so long divided the community, and to the many political conflicts which so long agitated the country. Time has decided the controversy. We are no longer left to doubt that the danger is on the side of this Government, and that, if not arrested, the system must terminate in an entire absorption of the powers of the States.

Looking back, with the light which experience has furnished, we now clearly see that both of the parties took a false view of the operation of the system. It

was admitted by both that there would be a conflict for power between the Government and the States, arising from a disposition on the part of those who, for the time being, exercised the powers of the Government, and the States, to enlarge their respective powers at the expense of each other, and which would induce each to watch the other with incessant vigilance. Had such proved to be the fact, I readily concede that the result would have been the opposite to what has occurred, and the Republican, and not the Federal party, would have been mistaken as to the tendency of the system. But so far from this jealousy, experience has shown that in the operation of the system a majority of the States have acted in concert with the Government at all times, except upon the eve of a political revolution, when one party was about to go out, to make room for the other to come in; and we now clearly see that this has not been the result of accident, but that the habitual operation must necessarily be so. The misconception resulted from overlooking the fact, that the Government is but an agent of the States, and that the dominant majority of the Union, which elect and control a majority of the State Legislatures, would also elect those who would control this Government, whether that majority rested on sectional interests, on patronage and influence, or whatever basis it might; and that they would use the power both of the general and State Governments jointly, for aggrandizement and the perpetuation of their power. Regarded in this light, it is not at all surprising that the tendency of the system is such as it has proved itself to be, and which any intelligent observer now sees must necessarily terminate in a central, absolute, irresponsible, and despotic power. It is this fatal tendency that the measure proposed in the bill is calculated to counteract, and which I believe would prove effective if now applied. It would place the States in the relation in which it was universally believed they would stand to this Government at the time of its formation, and make them those jealous and vigilant guardians of its actions on all measures touching the disbursements and expenditure of the Government, and which it was confidently believed they would be, which would arrest the fatal tendency to the concentration of the entire power of the system in this Government, if any power on earth can.

But it is objected that the remedy would be too powerful, and would produce an opposite and equally dangerous tendency. I coincide that such would be the danger, if permanently applied; and under that impression, and believing that the present excess of revenue would not continue longer, I have limited the measure to the duration of the compromise act. Thus limited, it will act sufficiently long, I trust, to eradicate the present disease, without superinducing one of an opposite character.

But the plan proposed is supported by its justice, as well as these high considerations of political expediency. The surplus money in the Treasury is not ours. It properly belongs to those who made it, from whom it has been unjustly taken. I hold it an unquestionable principle, that the Government has no right to take a cent from the people beyond what is necessary to meet its legitimate and constitutional wants. To take more intentionally, would be robbery; and if the Government has not incurred the guilt in the present case, its exemption can only be found in its folly--the folly of not seeing and guarding against a vast excess of revenue, which the most ordinary understanding ought to have foreseen and prevented. If it were in our power--if we could ascertain from whom the vast amount now in the Treasury was improperly taken, justice would demand that it should be returned to its lawful owners. But as that is impossible, the measure next best, as approaching nearest to restitution, is that which is proposed—to deposite it in the treasuries of the several States, which will place it under the disposition of the immediate representatives of the people, to be used by them as they may think fit, till the wants of the Government may require its return.

But it is objected that such a disposition would be a bribe to the people. A bribe to the people! to return it to those to whom it justly belongs, and from whose pockets it should never have been taken. A bribe! to place it in the charge of those who are the immediate representatives of those from whom we derive our authority, and who may employ it so much more usefully than we can. But what is to be done? If not returned to the people, it must go somehow; and is there no danger of bribing those to whom it may go? If we disburse it, is there no danger of bribing the thousands of agents, contractors, and jobbers, through whose hands it must pass, and in whose pockets, and those of their associates, so large a part would be deposited? If, to avoid this, we leave it where it is—in the banks—is there no danger of bribing the banks in whose custody it is, with their various dependants, and the numerous swarms of speculators which hover about them in hopes of participating in the spoil? Is there no danger of bribing the political managers, who, through the deposites, have the control of these banks, and, by them, of their dependants and the hungry and voracious hosts of speculators who have overspread and are devouring the land? Yes, literally devouring the land. Finally, if it should be vested as proposed by the Senator from New York, is there no danger of bribing the holders of State stocks, and, through them, the States which have issued them? Are the agents, the jobbers, and contractors; are the directors and stockholders of the banks; are the speculators and stock-jobbers; are the political managers and holders of State securities, the only honest portion of the community? Are they alone incapable of being bribed? And are the people the least honest, and most liable to be bribed? Is this the creed of those now in power? of those who profess to be the friends of the people, and to place implicit confidence in their virtue and patriotism?

I have now (said Mr. C.) stated what, in my opinion, ought to be done with the surplus. Another question still remains--not what shall, but what will, be done with the surplus? With a few remarks on this question, I shall conclude what I intended to say.

There was a time, in the better days of the republic, when to show what ought to be done, was to ensure the adoption of the measure. Those days have passed away, I fear, forever. A power has risen up in the Government greater than the people themselves, consisting of many and various and powerful interests, combined into one mass, and held together by the cohesive power of the vast surplus in the banks. This mighty combination will be opposed to any change; and it is to be feared that such is its influence that no measure to which it is opposed can become a law, however expedient and necessary, and that the public money will remain in their possession, to be disposed of, not as the public interest, but as theirs may dictate. The time, indeed, seems fast approaching, when no law can pass, nor any honor be conferred, from the Chief Magistrate to the tide-waiter, without the assent of this powerful and interested combination, which is steadily becoming the Government itself, to the utter subversion of the authority of the people. Nay, I fear we are in the midst of it, and I look with anxiety to the fate of this measure as the test whether we are or not.

If nothing should be done; if the money, which justly belongs to the people, be left where it is, with the many and overwhelming objections to it, the fact will prove

that a great and radical change has been effected; that the Government is subverted; that the authority of the people is suppressed by a union of the banks and Executive—a union a hundred times more dangerous than that of church and state, against which the constitution has so jealously guarded. It would be the announcement of a state of things, from which, it is to be feared, there can be no recovery—a state of boundless corruption, and the lowest and basest subserviency. It seems to be the order of Providence that, with the exception of these, a people may recover from any other evil. Piracy, robbery, and violence, of any description, may, as history proves, be followed by virtue, patriotism, and national greatness; but where is the example to be found, of a degenerate, corrupt, and subservient people, who have ever recovered their virtue and patriotism? Their doom has ever been the lowest state of wretchedness and misery; scorned, trodden down, and obliterated forever from the list of nations. May Heaven grant that such may never be our doom!

When Mr. CALHOUN sat down—

Mr. BUCHANAN congratulated the Senate and the country upon the tone and spirit in which this debate had commenced. He believed that a general disposition prevailed, on all sides, to surrender individual opinions as far as they could be surrendered without a sacrifice of principle, and to unite upon the best measure for regulating the public deposites. From this disposition, he augured the most happy results; especially as the Senators from New York and South Carolina [Messrs. WRIGHT and CALHOUN] did not seem to differ essentially in regard to this branch of the subject.

In the few remarks which he intended to make, he would follow the argument of the Senator from South Carolina. This would enable him to present distinctly his own views on the different points which had been made by that gentleman.

And, first, in regard to the payment of interest by the deposite banks, Mr. B. said there did not seem to be any essential difference between the two gentlemen on this question. It was very clear to his mind that, if Congress should adjourn without making any disposition of the surplus revenue, these banks ought to pay a moderate interest for the greater portion of the public money in their possession. He said the greater portion, because he was disposed to deal fairly towards them, and charge them no interest, except on sums which exceeded a fixed amount. He was disposed to give them the use of as much money, without interest, as would be a full equivalent for the services which they were required to render to the Government. Beyond this amount, which would be determined by the Senate, with a just reference to all the circumstances, he thought they ought to pay interest; and he could not say that two per cent. per annum, as proposed by the Senator from South Carolina, was unreasonable. The banks discounted upon these deposites, and made money for their stockholders out of these deposites; it was, then, but justice to our constituents to charge them interest. It would be unjust towards the people of the United States, that the use of their money should be given to the stockholders of these banks as a mere gratuity, without any compensation. He should certainly vote to make them pay something for the use of this money.

In regard to the amount which each of these banks should be entitled to hold, without interest, he thought the proposition of the Senator from South Carolina liable to well-founded objections. To establish as a universal rule that the sum of fifty thousand dollars should be thus retained by each of them, would be, in his opinion, unjust. If the capital of the bank were small, say $100,000, this would be a considerable sum; but if the capital amounted to one or two millions, $50,000 would be wholly inadequate. He believed that a member of the other House from Pennsylvania [Mr. BINNEY] had, at the last session of Congress, proposed to apportion the amount of deposites which should not bear interest to the capitals of the respective banks. He was under the impression that this would be a fairer mode of proceeding than to establish a fixed sum applicable alike to to all the banks, whether their capitals were great or small.

Mr. B. said, however, that the question of interest might sink into one of comparatively little importance. If the surplus in the Treasury at the end of each year, except three millions of dollars, should be deposited with the several States, according to the proposition of the Senator from South Carolina, [Mr. CALHOUN,] or if it should be invested quarterly in State stocks, leaving five millions of dollars in the Treasury, in pursuance of the amendment which had been offered by the Senator from New York, [Mr. WRIGHT,] the adoption of either alternative would, in a great degree, dispose of the question of interest. The banks, in either case, it was probable, would not generally have more money on deposite than would be a fair and just compensation for the services which they perform. It was as much the interest of the Government as their interest that we should not drive hard and unreasonable bargains with them.

These banks were at present in a most awkward and embarrassing situation in regard to the public deposites. They had vast sums of public money in their possession, without knowing what moment they might be called upon to pay them. They were awaiting the action of Congress; and, in this state of suspense, they could not, with a proper regard to their own safety, discount largely upon these deposites. They must always be ready to meet our demands. Hence they could not afford that relief to the community which they would be able to do under other circumstances. And here he would take occasion to say that he believed the public money was perfectly secure in their hands. There was not the least cause for apprehension on this account. He thought that every Senator must arrive at the same conclusion who would take the trouble to examine the statement of their condition made by the Secretary of the Treasury to the Senate on Monday last.

Mr. B. concurred in opinion with the Senator from South Carolina, that transfer drafts should not be used by the Secretary of the Treasury, except for the purpose of facilitating the public disbursements. They certainly ought not to be used for the purpose of protecting a bank in doubtful circumstances from the consequences of its own imprudence. Each bank owed it to the public to take care of itself, and never to place itself in such a condition as to require the money of the Government to sustain its credit. The Secretary of the Treasury had never used transfer warrants for any such purpose; therefore the Senator's proposition could have no personal application to his conduct. He saw no objection, however, to the incorporation of this prohibition in the bill. It would give fair notice to all the banks that they must rely upon themselves to sustain their own credit, and not upon any aid to be derived from the public Treasury.

He would say but little in regard to the selection of deposite banks, the third point made by the Senator from South Carolina. He thought that a plan might be devised which would be decidedly preferable to that proposed by either the Senator from New York or the Senator from South Carolina. On this subject a middle course might be adopted, which, whilst it would ensure a proper responsibility from the head of the Department to Congress, should, at the same time, leave him such a discretion as the public interest demanded.

He could not agree with the gentleman from South Carolina in limiting the Secretary of the Treasury, in the first instance, to the present deposite banks, and to them alone, as his bill proposes. Neither did he believe that it would be proper to confer upon that officer the unlimited discretion in selecting the depositories of the public money which seemed to be sanctioned by the amendment of the Senator from New York. He was not afraid of the judicious exercise of this power; but still, as a general rule, as little discretion ought to be left to executive officers as was consistent with the public interest.

The present deposite banks had faithfully, he believed, performed their duty to the country. Their conduct had been satisfactory to the head of the Treasury Department; at least, he had never heard any thing to the contrary. He would suggest that the bill itself should continue them by name as banks of deposite. From what he had heard in the course of this debate, he had no doubt it was necessary to increase the number of these depositories. This would be required in New York and Boston, and perhaps in Philadelphia. There might be other places in the same situation. He would therefore authorize the Secretary of the Treasury, between this time and the next meeting of Congress, to select as many deposite banks, not exceeding a certain number, as the public interest might require, in addition to those already selected. After these additional selections should be made, after the system should thus be completely organized, he would not authorize the Secretary to make new selections, without the previous consent of Congress, unless it were to supply the place of such of the existing banks as should cease to be depositories under the provisions of the bill which will be passed.

The fourth point of the Senator from South Carolina is one of so little importance that he should pass it over without any remark, except that it cannot materially interfere with the satisfactory adjustment of this question.

On the fifth point, Mr. B. entirely concurred in opinion with the Senator from South Carolina. Was it a measure of severity to require that the deposite banks should always have immediate means in their possession or power to meet the one fifth of their immediate responsibilities? He thought not. Every bank ought, at the very least, to have an amount of specie in its vaults, which, with the debts due to it from other banks, which might be converted into specie without delay, would be equal to one fifth of its notes in circulation, and of its public and private deposites. He should be unwilling to trust the money of the United States in any bank which was either unable or unwilling to comply with this condition. He should consider it unsafe in any such depository. Taking the general aggregate of the condition of the deposite banks, according to the last report of the Secretary of the Treasury, if we should apply to them the rule of the one third, instead of the one fifth, they would still be much within that limit. He had not, in detail, examined the condition of each one of these thirty-six banks; but he believed he might venture to say that there was not one of them which would be affected by the rule proposed to be applied to them by the Senator from South Carolina.

He would suggest to the Senator, however, that his bill was defective on this point, and did not embrace, in all its extent, the principle for which he had intended to provide. In preparing it, he must have forgotten that, instead of the aggregate balance of the deposite banks in their accounts with other banks being always in their favor, it might and would be sometimes against them. In such a case, they ought not only to have specie in their vaults sufficient to pay one fifth of their notes in circulation, and their deposites, but also one fifth of this balance. The gentleman's bill does not embrace this case. Under his bill, one of these deposite banks might have $100,000 of specie in its vaults, might be indebted to other banks in an aggregate balance of $500,000, and might have notes in circulation and deposites on hand to another amount of $500,000, and yet not violate its provisions, although it could pay in specie but one dollar in ten, instead of one dollar in five, of its immediate liabilities. He had prepared an amendment to obviate this objection, but should not offer it at present.

In this respect, he felt bound to say he greatly preferred the bill of the Senator from South Carolina to the amendment which had been proposed by his friend from New York. That amendment simply provided that each deposite bank must keep in its vaults sufficient specie to pay the one fourth of its notes and bills in circulation, and the balance of its accounts with other banks payable on demand. It had no reference whatever to the amount of its public and private deposites, the whole of which might be demanded at any moment. If a deposite bank have sufficient specie in its vaults to pay one fourth of its notes in circulation, it might be indebted to its depositors ten or twenty times the amount of its specie, and yet not violate the terms of the amendment.

Mr. B. said he now approached the more difficult question, of what disposition we ought to make of the surplus now in the Treasury. He believed this surplus would be very large on the first day of January next, notwithstanding our liberal appropriations. He had himself made an estimate of the amount; but he would not now commit himself by stating it, as it had not been made with sufficient care to enable him to speak with any degree of positiveness.

He would take this occasion to remark, that, although he had voted, and intended to vote, during the present session, in favor of liberal—some might say extravagant—appropriations for defence, he considered these appropriations as the exception justified by the special circumstances in which the country was placed, and not as the general rule. He never should depart from those maxims of sound and wholesome economy by which this Government ought always to be administered. The expenditures authorized at the present session ought not to be considered as a standard for future years. He presumed no Senator thought of increasing the permanent expenses of the country to any such standard. We had just finally discharged the debt contracted during the last war; our Treasury was overflowing, and all we had done was to appropriate more money than had been usual heretofore to the completion of those necessary defences which had been projected long ago, and which the safety of the country demanded. Whilst we were paying our debt, policy required that we should not progress in these measures as rapidly as we ought now to do. Hence, increased appropriations were now highly proper; not for the purpose of wasting the public money in useless expenditures, but for the purpose of accomplishing objects which have always been deemed necessary. For his own part, he never had voted away, and he never should vote away, a dollar of public money, merely because we had a surplus in the Treasury.

Mr. B. said he would proceed to make a few remarks upon the plans proposed by the Senators from South Carolina and New York, for disposing of the surplus in the Treasury; and, first, in regard to that of the Senator from South Carolina. He proposes to loan the balance remaining in the Treasury at the end of each year, until June, 1842, (after deducting therefrom $3,000,000,) to the several States, without interest; each State receiving such a proportion of the whole amount as her Senators and Representatives in Congress bear to the whole num-

ber of members of both Houses. These sums are to be refunded to the Treasury of the United States at such times as Congress shall by law provide.

Mr. B. said he would waive for the present any constitutional doubts which may exist in regard to the power of Congress to distribute among the several States the surplus revenue derived from taxation. He would merely remark that, if we do not possess the power to make such a distribution, he could not perceive by what authority we could make the loan proposed by the gentleman. If you have not the power to give the principal, whence can you derive your power to give the interest? To loan the States this money, without interest, is to make them a donation of an annuity equal to six per cent. per annum, for an indefinite period, on the sums which they may respectively receive. In any constitutional view of the subject, he could not perceive how the interest could share a different fate from that of the principal. This was not to be a mere deposite with the States for safe keeping; it was intended by all that the money should be used by the States in the construction of internal improvements, in the payment of their debts, and in accomplishing every object which they might deem useful. If we possess the power to loan the public money to the States in this manner, we might at once give it to them absolutely.

The leading objection which he had to this system was, that its direct and continuing tendency, at least until 1842, would be to create a bias in the Senators and Representatives of the States in Congress in opposition to the fair and efficient administration of the Federal Government. The Senator from South Carolina, feeling the force of this objection, has attempted to obviate it by stating that the strong tendency of the action of this Government was towards consolidation, and this proposition would be useful as a counteracting force. Mr. B. would now neither dispute nor affirm the proposition of the Senator in regard to the central tendency of this Government; but this he would say, that, in avoiding Scylla, we must take care not to rush into Charybdis. He thought the counteracting power of the gentleman's bill would be so excessive that it might drive us into the opposite extreme, and thus become dangerous.

He disclaimed the sentiment that the people of this country can be bribed with their own money. He did not believe that there now existed, or ever had existed, upon earth, a more virtuous people than our population in the mass. But we had been taught by divine authority to pray that we might not be led into temptation. It was the part of an enlightened statesman to make the interests of men correspond with their duties, whenever that was possible. Their action, then, to promote the public good, would be free and unrestrained. But in what situation should we place ourselves by the adoption of this proposition? In every case requiring an appropriation of public money, the direct and immediate pecuniary interest of our constituents would be directly at war with the performance of our duties as members of Congress. Now, sir, we might be as pure as angels, and yet, unless we were as wise also, such a position, without our own knowledge, would create a powerful bias in our minds. Is it wise, is it politic, voluntarily to place ourselves in the position of antagonists to the very Government of which we are members? Adopt this proposition, and what will be the consequence? Should the Executive recommend, or the interest of the country require, the construction of a fort, of an arsenal, of a navy yard, of a ship of war, or any other expenditure necessary for our permanent defence, we would not only inquire into the justice and expediency of the expenditure, but we should involuntarily ask ourselves, how much will this expenditure reduce the dividend of the public money which our respective States will receive at the end of the year? Every dollar that we can subtract from the purposes intrusted to our special care by the federal constitution will add a dollar more to the surplus to be distributed among our constituents. We should thus become antagonists (he would not use the new word) to the very Government of which we ought to be the supporters. How much money will each appropriation take from our dividend, would be an inquiry constantly obtruding itself upon us. In order to justify ourselves to our own consciences for opposing any appropriation here, we would become ingenious in magnifying the comparative importance of the objects to which the States would apply the money. We might thus change the nature of our Government; and, if its tendency be now towards consolidation, we might rush to the opposite extreme by the adoption of this proposition, which, by its terms, is to continue in force for six successive years.

Would any prudent man place in the hands of his agent, whom he had employed to build a house for him, a sum of money, and tell him that what remained of this sum, after completing the work, should be his own? This would be to offer him a premium for not incurring the necessary expense to enable him to perform his duty. We shall be such agents, precisely, should this amendment be adopted. Our constituents will receive every dollar which we can subtract from the purposes of the Federal Government during a period of six years.

Mr. B. said he greatly preferred the distribution proposed by the land bill to that of the Senator from South Carolina. The same objection did not exist to it. It assumed as a principle that the nett proceeds of the sales of the public lands belonged to the States. It withdrew from this Government the entire fund. It would leave us to administer the Government out of the other means which still remained. It was a fixed and certain mode, and did not seek to distribute a mere surplus of what might remain in the Treasury after we had provided for other objects. Besides, the money was granted absolutely, and not loaned to the States. But he did not intend to discuss the merits or demerits of the land bill upon the present occasion.

If Mr. B. could consent to vote for the proposition of the Senator from South Carolina, he would not object to that part of it which distributes the money in proportion to the representation of each State in both branches of Congress. If there were no other considerations in its favor, (which he did not admit,) he thought the magnanimity of the large States should induce them to give their smaller sisters this comparatively trifling advantage.

Mr. B. said he might yet be compelled to vote for the amendment proposed by the Senator from New York, for investing the surplus revenue in stocks issued by the States; but if he should, it would be with extreme reluctance. He could only be induced to give such a vote upon the principle that it was a less evil to dispose of the public money in this manner, than to keep it any longer in the deposite banks.

He admitted that these State stocks had a permanent and fixed value. They did not fluctuate in the market like other stocks. Nobody doubted their security, and the comparatively trifling rise and fall in their prices depended entirely upon the plenty or scarcity of money. A large proportion of these stocks were held in Europe. He knew this to be the case a few years ago; and he presumed there had been no considerable change since. Their price had always been high in our market, from the fact that capitalists in Europe were glad to make safe investments, which would yield them an interest of four or four and a half per cent. Upon this point of the case, he thought the Senator from South Caaolina had not succeeded in refuting the argument of the Senator from New York. It was true that the price

of this stock might be enhanced by the Government becoming a large purchaser in the market; but this advance would be inconsiderable, compared with the advantage of taking the surplus revenue from the deposite banks, and putting it into general circulation among the people.

Mr. B. did not concur with the Senator from South Carolina, in believing that such investments in State stocks could be of any advantage to those States which had issued them. No matter who held the certificate, whether the United States or individuals, the States were equally bound to pay the accruing interest, and finally discharge the principal. If the price of these stocks should be permanently raised by the investments of the Government, the States might hereafter obtain loans on somewhat more favorable terms than they had done heretofore; but in regard to the old stocks, the States would continue precisely in the same situation they are at present. In one respect they might be injured instead of benefited. If they wished to purchase in their own stocks before the time they should become payable, as New York had done, the price might be raised upon them.

Mr. B. doubted whether a sufficient amount of these State stocks could be purchased to absorb the surplus in the Treasury. They were limited in amount, and a large proportion of them was held in Europe. He would be glad to obtain more information on this branch of the subject than the Senate now possessed. Of one thing, however, he felt very certain. If the surplus could be invested in these stocks, we could do nothing which would more immediately relieve the money market of the country. He believed that the truth of this proposition was so manifest, that it was wholly unnecessary to do more than merely to state it.

He had one very strong objection to the amendment of the Senator from New York. The rage for speculation, which now existed throughout the land, was the curse of the present time. The gambling in stocks was infinitely worse in its consequences to the community than all other kinds of gambling united. This spirit was rapidly extending itself throughout the whole country. It enabled those who were initiated in the fluctuations of the money market to take advantage of others who were less skilful, and to accumulate rapid fortunes at their expense. Although it might be true, and he believed it was true, that the measure proposed by the Senator from New York would not much enhance the price of State stocks, yet it would unlock the capital now vested in them to the amount of the purchases of the Government, and throw it upon what had been called the fancy stocks. This operation would at once raise the prices of all these stocks, and put into the pockets of their owners large sums of money. You would thus give an impetus to the already wild speculations in stocks, and increase the spirit of gambling, which is now one of the greatest curses of our country. For these reasons he felt an almost insuperable repugnance against the introduction of the Government of the United States into the market as a great stock-jobber, though its operations might be confined to the stocks of the different States. Still, as he had before observed, he might feel himself under duresse to vote for this measure, as the least of two very great evils.

Mr. B. said he had thrown out these suggestions to the Senate in the same conciliatory spirit which dictated the remarks of the Senators from New York and South Carolina. We were now in a free conference; all equally desirous of adopting the best measure to promote the public good. He had endeavored to contribute something to this end.

When Mr. B. had concluded--

On motion of Mr. EWING, the Senate adjourned.

MONDAY, MAY 30.

CALEB P. BENNETT.

Mr. NAUDAIN, upon presenting the petition of one hundred and twenty citizens of the State of Delaware, praying that the pension granted to Caleb P. Bennett as a revolutionary officer, be continued to his widow during her life, made the following remarks:

Mr. President: In presenting this petition, I cannot refrain from saying that this presents no ordinary case for the consideration of the Senate. The late Governor Bennett entered the army of the Revolution in the year 1776, as an ensign in the Delaware regiment; he continued in the service to the end of the war. Brandywine, Germantown, Long Island, Monmouth, Camden, and the well-fought fields of the South, attest the gallantry of the distinguished corps to which he belonged. Of that corps he was the last surviving officer, and, I believe, the last individual. Yes, sir, of nearly 5,000 men, furnished by the gallant little State I have the honor partly to represent on this floor, to the army of the Revolution, all have been gathered to their fathers. The latter years of the veteran Bennett were cheered and solaced by the bounty of his country extended to him, and not one now remains to enjoy that bounty given by their grateful country to cheer their declining years.

Among those who received this bounty, none can be found more worthy than Bennett; none received it with more gratitude, for it enabled him the better to provide for his aged wife and orphan grandchildren; and their comfort was dear to him as the apple of his eye. He has been taken from them, and his widow, aged and infirm, and his portionless grandchildren, are thrown upon the cold charities of the world without any means of support.

Would it not, Mr. President, comport with the honor, the dignity, nay, even with the interest of the Government, to provide for his widow, (for her who was the wife of his youth, the companion of his manhood, the nurse of his sicknesses and infirmities, and the solace of his latter days,) who devoted his best days to your service in the time of your greatest peril? Sir, it is the result of the services and sacrifices of such men, that we are now enjoying the privileges of an independent nation. To them we owe all our political liberties. It is, by the blessing of Providence, upon their labors that we are this day deliberating upon the high destinies of this people. And in these "high and palmy" days of the republic, when our Treasury is overflowing with money, the fruits of their services and privations, shall we refuse to snatch from poverty and distress the relict of one of those gallant men to whom we owe every thing? Justice and gratitude forbid. Sir, let the poor old widow of your time-worn revolutionary officer enjoy, for the brief residue of her days, the pension you had extended to her husband, and the blessings of those ready to perish will follow us for good, and call down the approbation of that God who delighteth in charity upon us and our children.

The memorial was referred.

PUBLIC DEPOSITES.

The bill to regulate the deposites of the public moneys was taken up as the order of the day.

Mr. EWING, who had the floor, addressed the Senate in a speech of considerable length, in support of the particular views he entertained on the subject. The bill had a bearing on two distinct matters; both of which were, to his mind, of great importance. The first related to the deposite and safe keeping of such amount of the public moneys as was proposed, after its collection, to be retained in the Treasury; and the other related to the disposal of the surplus in the Treasury over and above that sum. For the disposition of the last, two distinc

propositions had been made: one, by the Senator from South Carolina, [Mr. CALHOUN,] to loan it out without interest, and for a certain period, on certain conditions, to the several States composing the Union; and the other, by the Senator from New York, [Mr. WRIGHT,] to invest it in stocks on the credit of some of the States of the Union.

The first proposition in the bill, providing for the safe keeping of the public money, by adopting some arrangements that would be satisfactory to both Houses, he had great hopes would be determined on, and become a law before the close of the session; for from what he had observed of the spirit of the Senate during the last week, he thought some satisfactory measure would be adopted, and he, for one, would do all in his power to bring about the adoption of some measure satisfactory to Congress and the nation. He had not, however, the same confidence that any thing would be done as to the disposition of the surplus. In looking to the two propositions relating to this object, he thought he could engraft amendments on the one of the Senator from New York, which would render it more conformable to his views than the original bill of the Senator from South Carolina, under any modifications that could be made to it. One great objection which he had to the plan of the Senator from South Carolina was, that it legalized the present disposition of the public funds, and, though the same objection applied to the plan of the Senator from New York, yet the objection was not so strong, and could be removed by striking out a particular section of the amendment. His view was, that they should not consider the public funds as rightfully placed anywhere, except under the control of law, and that they should take up the subject *de novo*, and pass a law declaring where they should be placed, in the same manner as if they had never been taken from the custody of the law.

The measure for the deposite and safe keeping of the public money could be carried into effect immediately; but the other measure, for the disposition of the surplus, would require much time to be put into operation. If they adopted the proposition of the Senator from South Carolina, they would have to wait for the meetings of the State Legislatures to give their assent to it; and if they adopted the plan of the Senator from New York, much time will be required to enable the commissioners to purchase stocks.

He was satisfied, considering the amount of public money in deposite, that the places of deposite were too few. In looking over the statement of the Secretary of the Treasury, he found that the deposites in all the banks were equal to the whole amount of their capital stock; and that where the largest masses were deposited, the deposites were sometimes double and sometimes three times that amount. The effect of this was, that the banks which received large masses of deposites must make an underhand use of them, or let them remain idle, because they are not permitted by their charters to discount more than a certain amount beyond their capital. They also accumulated in their vaults the notes of neighboring banks, whose issues and accommodations to the public were by this means restrained; and, therefore, jealousies and distrusts naturally arose.

The banks whose notes are thus held up by the deposite banks, feeling themselves in their power, fear to discount, and the public therefore suffer by it. To remedy the evils growing out of this state of things, he would suggest to the Senator from New York to modify his amendment, by providing that the deposites in no bank shall exceed half the amount of its capital stock actually paid in. The result of this amendment would be, that it would be necessary to select other deposite banks, who would receive from the present deposite banks the notes that are now held up *in terrorem* against them, and enable them to go on as formerly with their ordinary accommodations to the public. It would also more effectually secure the safety of the public money; for it was obvious that, if a bank failed, it must pay all the demands against it before the stockholders got any thing; and thus, by having in these banks but an amount of deposite equal to half their capital, the public never could be losers, unless in very extraordinary cases, which could be guarded against by selecting banks under the management of men of known honor and respectability. This amendment would also render the banks independent: they would not, as now, be in the power of the Secretary of the Treasury, and liable to be broken at any moment that he chose to remove the deposites from them.

Mr. E. stated his objections to the provision requiring that, as a security for the public deposites, the deposite banks shall have an amount of specie in their vaults equal to one fourth of their circulation. This provision, he thought, would have a very unequal operation, and was not calculated to effect the object in view. It was supposing that the liabilities of the banks arose from their circulation only. Mr. E. instanced some banks whose liabilities for their circulation were in a small proportion to their capital, and mentioned other banks whose liabilities consisted almost wholly in their circulation. He himself did not look upon the specie in a bank as a test of its ability to pay its debts. There ought to be specie in a bank to some extent to meet any sudden run that might be made on it; but further than this, it was not necessary. If the amendment which he proposed, limiting the amount of deposites in these banks to half the amount of their capital, should prevail, he thought they need not be so particular as to the amount of specie they had.

Mr. E., after referring to some other amendments that he intended to propose, proceeded to consider the propositions for the disposition of the surplus. He considered the plan of the Senator from New York as less objectionable than the one of the Senator from South Carolina, though he was not prepared to express a decided opinion with regard to either. Mr. E. then went into a minute examination of the nature of the stocks proposed to be purchased by the commissioners of the sinking fund, stating the advantages and disadvantages of each, with the effect that large investments in them by the Government would have both on the stock market and the money market; after which, he laid on the table, for the consideration of the Senate, the amendments that he proposed to submit at a future time.

Mr. WRIGHT suggested that the best course, in his opinion, would be to refer the whole subject. In the mean time the discussion might proceed, so as to put the Senate in possession of all the ideas of gentlemen in reference to this matter. He thought that course would be a saving of time to the Senate, and the best mode of perfecting the bill.

Mr. CALHOUN suggested that the bill might be laid on the table, or postponed, until some Senator should be prepared to go on with the discussion.

Mr. WEBSTER asked to what time it was proposed to postpone the discussion.

Mr. CALHOUN replied, until to-morrow, or whenever any Senator might be prepared to proceed.

Mr. WALKER said that the unfavorable position in which the State of Mississippi would be placed by the measure proposed by the motion of the Senator from South Carolina, [Mr. CALHOUN,] compelled him to trespass for a few moments upon the time of the Senate. The proposition is to loan the surplus money to the States, upon their Legislatures passing laws to return the money to the General Government, in certain instalments, upon the call of Congress. Now, said Mr. W., Mississippi can pass no such law, and consequently can

receive no portion of this gratuitous loan, and will not by this bill be placed on an equal footing with her sister States. There is a general and comprehensive clause in the new constitution of Mississippi, prohibiting the Legislature from pledging the faith of the State for the redemption of any loan whatever, except by the consent, in all cases, of two successive Legislatures, and then under certain restrictions and limitations which might prevent the passage of the law altogether. Mr. W. said, as the sessions of the Legislature in Mississippi are biennial, another obstacle would be interposed to the adoption of any law of that State on this subject, within any convenient period. This bill, then, was a proposition to make gratuitous loans, without interest, to all the States except Mississippi. But, Mr. W. said, he had other objections to this bill. It was a dangerous and untried experiment. It would greatly complicate and embarrass the relations between the States and the General Government. It would make all the States debtors of the General Government, and create a new and strong pecuniary interest in favor of a dissolution of the Union, as a means of absolving themselves from the heavy debts they may incur to the General Government under this law. The relation of debtor and creditor was not generally one of long continued friendship. It was an old but true remark, if you wish to make a friend your enemy, loan him money beyond his means of convenient payment. The remark will apply with full force to the States and the General Government. If we wish to embroil ourselves with the States, and make them the enemies of this Government, let us loan them money, as proposed by this bill, far beyond their means of convenient payment. It is admitted that the States will expend this money; and when we call upon them for payment, will it be made? Suppose a minority of States refuse payment, or that a single State refuses, how will we collect the money? A suit is impracticable. Will we, then, collect it by force, or leave it uncollected, to the injury of all the States that make payment? But if the General Government must loan the money, and the States must make good the loan, how will they do it? Will the State Legislatures dare to impose a direct tax upon the people of each State, to refund these uncounted millions? No, they will instruct their representatives in Congress to collect the money required by the General Government by increasing the tariff and the price of the public lands. If the loan be not a gift in disguise, an increase of the tariff and the price of the public lands is the inevitable result of this measure. If it be a gift in disguise, it is a distribution of the surplus revenue, which the Senator from South Carolina [Mr. CALHOUN] has denounced as a gross violation of the constitution. And (said Mr. W.) if Mississippi could really receive her portion, the ratio would be most unjust. By this bill, the State of Mississippi would receive no more than Rhode Island, although, taking the votes given in Mississippi at the last election as a criterion of her increase since the last census, she must now contain three times the population of Rhode Island. The measure would, then, be unequal and unjust—doubly so when it was considered that Mississippi, through the collections from the land office and other sources, paid into the public Treasury ten times the amount paid by Rhode Island.

Mr. W. said the amount deposited in the deposite banks was large, but from ten to sixteen millions had been repeatedly in deposite in the Bank of the United States. Then it was thought all right and proper by that institution, and she viewed a restoration of the deposites to the bank as indispensable to the salvation of the country; but now we are told that the country is to be ruined because a large amount is deposited in State banks. Mr. W. believed there was infinitely more danger to liberty from accumulating this money in a single bank, than from depositing it in various State institutions. The evil was this, that we never should have collected this vast amount from the people; and we should now and at once reduce our collections, by reducing the price of the public lands and all other taxes. Reduce your revenue and taxes, and loans or distribution are unnecessary. Mr. W. said the Senator from South Carolina [Mr. CALHOUN] had fixed the surplus revenue this year at about $26,000,000. Mr. W. would not pretend to say whether that Senator was correct in the list of items by which he made up this amount; but if he were, there might be other items that would greatly reduce this sum. If the Bank of the United States, as from present symptoms seemed probable, should have the audacity to retain the stock of the Government in that bank to pay her pretended infraction of her charter by the Government, then seven millions must be striken off the twenty-six millions, which would reduce the amount to nineteen millions; the war, another source of expenditure, yet remaining. When the Creek and Seminole war terminates this summer, it will be a solemn duty which we owe to the people of Florida and Alabama to remove these Indians at once, whatever the expense may be, beyond the limits of Alabama and Florida. Protecting the people of Alabama, Georgia, and Florida, from a renewal of these inhuman massacres, would be much better than loaning money. The number of Indians in Alabama and Florida was about thirty thousand, and we must remove them beyond the reach of white settlements, peaceably if we can, forcibly if we must; and the expense of removal in this manner will be enormous. We have now in Alabama and Florida a surplus only of blood and misery, and we must guard at any expense against a repetition of these inhuman massacres by these "poor Indians," with whom a certain party once so deeply sympathised, and whom they would retain within the settled States and Territories of the Union, there to commit these terrible atrocities upon every age and sex, and to give over the bodies of the dead to the wolves and vultures of the wilderness. No, said Mr. W., these scenes must not be repeated; no party can or does desire it. This Indian removal must be instantaneous, forcible; and the expense will still further greatly reduce our surplus revenue. To the proposition of the Senator from New York he had some objection. If he voted for it, it would be because no other alternative was left; but he hoped that no transfers of moneys from any deposite banks would be permitted to distant banks, except for necessary disbursements in other quarters. His confidence in the wisdom and integrity of the Secretary of the Treasury was very great. He was a most honest and able functionary; but this was a power which he could not desire to retain, and justice required that the money in the deposite banks, at the points where it was collected, should never be drawn from those institutions, to be placed in other and distant deposite banks, except when needed for the disbursements of the Government. Mr. W. was not satisfied with any of the propositions before the Senate in their present form; he hoped, however, that the bill would be referred, and some wise and judicious measure would yet be devised. It was due to ourselves and the country; and, in sustaining such a measure, he would co-operate to the full extent of his humble abilities. Let us not, however, convert the General Government into a money-lender to the States, with or without interest. If we do, we will effect a radical change in the relations between the States and the General Government; a change full of complications and difficulty, and threatening the repose, if not the very existence, of the Union.

On motion of Mr. CALHOUN, the bill was then laid on the table, to be taken up at one o'clock to-morrow.

On motion of Mr. WHITE, the Senate proceeded to the consideration of executive business; after which, it adjourned.

TUESDAY, MAY 31.

CONVENTION WITH SPAIN.

On motion of Mr. CLAY, the Senate considered the message from the House disagreeing to the amendment of the Senate to the bill to carry into effect the convention with Spain.

This bill, as it came from the House, provided for the appointment of a board of commissioners for the division and distribution of the money obtained under the treaty. The Senate amended the bill by striking out all the provisions regarding commissioners, and assigning the duties to the Attorney General. The House disagreed to this amendment; and the question now before the Senate was on concurrence in that disagreement.

Mr. CLAY moved that the Senate insist on its amendment; and that a committee of conference, to consist of three Senators, be appointed. The motion was agreed to.

RECAPTORS OF THE FRIGATE PHILADELPHIA.

The bill to reward the recaptors of the frigate Philadelphia coming up for consideration, and the question being on the engrossment of the bill—

Mr. ROBBINS rose, and spoke to the following effect:

This bill is a bill to compensate the recaptors of the frigate Philadelphia, after her capture by the barbarians of Tripoli, and while she was, and after she had long been, in their secure possession, in their own harbor, and under the guns of their own fort, and where she was kept fully manned and armed as their pride as well as defence, and where she was a monument at once for barbarian triumph and for American humiliation. This protecting fort was armed with more than a hundred guns, and backed, it was said, by an army in camp of twenty thousand men. The banks of this harbor were lined with land-batteries throughout, and armed also with more than a hundred guns, and its waters were guarded by a thousand seamen. Still this little gallant band, the recaptors, at the dead of night, with Decatur at their head, made their way to this frigate, boarded her, cut down every barbarian on board, or drove him over her sides into the water; then, and in obedience to orders to set fire to her in different parts, burnt her down to the water's edge, and then made their retreat in safety; and all this in the face and fire of the artillery of that fort and of those land-batteries. Thus, in flames, was extinguished this monument of our disgrace, and our own frigate was no longer to be employed as a pirate in piracies on our own commerce in those seas. This astonishing feat struck a terror into all the Powers on the Barbary coast, and they humbled themselves to their fears of a people capable of such daring exploits. They were soon after brought to sue for peace; to release our captive citizens without ransom; in a word, to suffer us to dictate to them the terms of peace. From that moment, ever after down to the present time, our commerce, before so vexed and harassed and plundered, has been safe to our merchants in those seas. Such were the fruits of that bold and successful enterprise.

In every instance, save this, the capture and destruction of an enemy's vessel of war, or the recapture of our own vessel of war from the enemy, has been compensated to the captors by Congress. To the report in this case there is appended a complete list of all those cases, and of the compensation made to each, fully attesting this fact. This case stands a solitary exception. Though the first in the order of time, though in brilliant and consequential merits the first, it remains the last and alone to be compensated. The subject has frequently been before Congress, and in no instance have ever the propriety and the duty of making compensation, and to the amount of this bill, been made a question; but a difference of opinion as to the scale of distribution has been the difficulty, and has frustrated every bill for compensation heretofore reported. To obviate the objections growing out of this difference of opinion, the committee have now reported a bill with a scale of distribution corresponding to the pay of the officers and seamen of the navy, according to the pay-bill adopted at the last session of Congress. This, we think, will do justice, and give satisfaction. The parties interested, all, as we understand and believe, will be content with this scale. As the same bill has now been reported to both Houses, the committees indulge the hope that no difficulties of form will longer impede this act of national justice. But one word further, with the indulgence of the Senate, as to the merits of this case.

Let it be recollected that this daring enterprise was out of the routine of the regular naval service; it was indeed permitted, but not directed, by the commanding officer on that station; it was wholly a volunteer enterprise. It was originally suggested by the gallant and ever-to-be-lamented Decatur, then a lieutenant, and but a youth as it were. He saw that the thing was practicable to spirits daring like his own, and that the achievement, though full of danger, would be full of honor. He saw the brilliant page it would make in history, but he did not foresee that it would be but the title-page to that volume of brilliant exploits which subsequently were to illustrate our naval annals, of which this was to be the precursor and animating model. He soon collected his volunteer band of congenial spirits, all young like himself, and, like him, burning with a thirst for distinction. Confiding in themselves, they went to the enterprise confident of success, and did realize what to colder minds would seem but the dream of romance. It is pleasing to note the number of our naval heroes, who afterwards so much distinguished themselves in our naval battles, who gave their juvenile and first proofs of heroism in this heroic enterprise.

It is not easy to estimate the value to a country of a sublime achievement in any line of merit, by any of her own sons, as an example to enkindle the spirit of emulation in others to rival, and of ambition to surpass it; nor is it wise in any Government to be penurious or over frugal in awarding remuneration for such value: for it is the sublime in achievement only that has this desirable, this almost magical influence in example; that sublime which the voice of fame gives to immortality. Man born to immortality in another life, aspires to it in this. But over all that is vulgar in men, and things, and human affairs, he sees time to roll her oblivious wave; and that nothing but the sublime in human virtue and human achievement stands secure and aloft above her devouring flood, and never to be affected by it. These achievements he admires, and, emulating these, he treads the arduous paths that lead to the same glorious heights. But it is the home-example that has most of this marvellous effect. Who that dwells upon the great example near to him in time and place, and in a congenial pursuit, but has felt himself animated, and carried even beyond himself, in his efforts, on the self-inquiry, "Why should I not do what my fellow has done? and why should my equal outstrip and leave me behind in the race of glory?" Hence it happens that one sublime achievement, by its animating influence, begets another, and another, and another, till they cluster into a constellation. Hence, too, it happens that these constellations break upon the world but periodically. The brilliant eras which mark the history of all nations who have greatly distinguished themselves, are to be traced to the operation and force of this prin-

ciple—the magical influence of great example, by compatriots on compatriots.

Who can doubt, then, but that the constellation of naval victories which adorns our naval annals in our late war with Great Britain, sprung from the spirit of emulation kindled by the brilliant exploit achieved in the capture and destruction of the frigate Philadelphia? That was the original spark, which, spreading, and kindling as it spread, afterwards broke out into such a blaze of naval glory as to be seen over the earth, and under the whole heavens; commencing with the attack and sudden destruction of the Guerriere on the ocean, (the thunder is scarcely more sudden on the lightning's flash than was that destruction upon that attack,) and closing with the brilliant though bloody triumphs of our fleets on the Lakes.

The glorious achievement of the recapture and destruction of the frigate Philadelphia, the precursor and progenitor of so many others, remains alone of them all, and the only one not yet requited by the justice of our country. Shall this cold neglect still be continued to mark her insensibility to such illustrious merit? Your votes must determine.

The question was then taken, and decided as follows:

YEAS—Messrs. Benton, Black, Buchanan, Cuthbert, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Naudain, Nicholas, Niles, Porter, Prentiss, Preston, Rives, Robbins, Shepley, Southard, Tallmadge, Walker, Wall, White—26.

NAYS—Messrs. Brown, Clay, Crittenden, Davis, Leigh, Morris, Robinson, Tomlinson, Webster, Wright—10.

ANNUAL MEETING OF CONGRESS.

The bill to appoint a day for the annual meeting of Congres came up for consideration.

This bill, as reported, reads thus:

"*Be it enacted, &c.* That hereafter the annual meeting of Congress to be assembled in pursuance of the constitution, shall be on the first Monday of November of every year; and that the day of adjournment of the first session of every succeeding Congress shall be the second Monday of May, after the commencement of such session, unless Congress shall at any such session, by joint resolution of both Houses, otherwise provide."

Mr. PORTER moved to strike out "first," before Monday, in the beginning of the bill, and insert "third." The motion was negatived.

The bill was then ordered to be engrossed: Ayes 27.

PUBLIC DEPOSITES.

The Senate proceeded to the consideration of the bill to regulate the deposites of the public money; when,

Mr. WEBSTER rose and addressed the Chair as follows:

Mr. President: I have no desire to make myself responsible, in any special manner, for what may either be done or omitted, on this subject. It is surrounded with difficulties, some of them, as I think, unnecessarily created; and as these have been produced by measures in which I did not concur, it naturally belongs to others, who did concur in those measures, and who now possess the power, to apply the remedy, according to their judgments, and on their own responsibility. But I incline, nevertheless, to express my opinions on a subject of such very high interest, and to let them have what weight they are entitled to, if it may be supposed that they are entitled to any weight at all.

On one point, I presume we are all agreed, and that is, that the subject is of great importance. It affects the finances of the country, the security of the public money, and the state of the currency; and it affects, also, the practical and actual distribution of power among the several branches of the Government.

The bill comprises provisions for two objects:

First, regulations for the custody of the public money between the time of its collection and the time of its disbursement; and, as naturally connected with this, it contemplates, or must at least very materially affect, the currency of the country, the exchanges, and the usual operations of credit in the commercial world.

The second direct object of the bill is a reduction, positive or contingent, of the amount of money in the Treasury.

It seems probable, sir, the bill, so far as it respects the first of these objects, may be so modified as to receive the approbation of a majority of the Senate. A committee, acting in a spirit of conciliation, and with an honest desire to avoid the points of former difference, might, I think, agree on the regulations to be prescribed to the deposite banks. The sentiments which have been advanced in the course of the discussion, do not appear to be irreconcilable. In the present state of things, I see no way but to employ State banks as depositories of the public money; and I have a sincere desire to subject them to such regulations, and such only, as shall make them, in the highest procticable degree, safe to the Government and useful to the country.

To this end, I am of opinion that the first step is, to increase their numbers. At present their number, especially in the large cities, is too small. They have too large sums in deposite, in proportion to their capital and their legal limits of discount. By this means the public money is locked up. It is hoarded. It is withdrawn, to a considerable extent, from the general mass of commercial means, and is suffered to accumulate, with no possible benefit to the Government, and with great inconvenience and injury to the general business of the country. On this point there seems little diversity of opinion. All appear to agree that the number of deposite banks should be so far increased, that each may regard that portion of the public treasure which it may receive, as an increase of its effective deposites, to be used, like other moneys in deposite, as a basis of discount, to a just and proper extent.

I regard this modification of the present system as indispensable.

I think, too, that, for the use of these deposites, the banks should pay a moderate interest. They can well afford it. The best banks in the States will be ready, I do not doubt, to receive the deposites, on that condition among others. What the rate of interest should be, depends very much on what we may do with the surplus revenue. If we leave that surplus undistributed, the banks ought to pay a large interest. If we provide for distributing the surplus, thus leaving but a small amount in the banks, and making it their duty, at the same time, to transfer the public funds from place to place when requested, without charge, the rate of interest should of course be less.

I agree, too, to what has been suggested, respecting the authority to change those banks. They ought not to be changed, but for plain and specific cause, set down and provided for in the law itself. Any restriction less than this, will place a discretion in the hands of the Executive which will be very capable of being abused.

Nor should the Secretary be at liberty to order funds from one bank to another, for any other reason than the exigencies of the public service. He should not be at liberty to use the public treasure for the purposes of upholding the credit or increasing the means of any State institution.

The bill proposes that all the deposite banks shall be

bound to keep, at all times, an amount of specie in their vaults bearing a certain proportion to their debts and liabilities. I approve of this, not so much from any belief that the solidity of the banks can be secured by any such provision, as because a regulation of this kind may tend, in some measure, to retain a certain quantity of specie in the country, and by that means to secure, in some small degree, the general circulation against violent shocks. But I do not attach great importance to this.

In my opinion, Mr. President, if the bill pass with these modifications, a considerable benefit will be conferred on the community. Confidence will be, in some measure at least, restored; the banks will possess the power of useful action, and the distressing uncertainty which now hangs over every thing being dispelled, the commercial community will find its way out of its present embarrassment.

Still, sir, I am bound to say that the present system, in my opinion, can never be perfect. It can never be the best system. It can never be a safe regulator of the currency of the country, nor furnish solid security against derangement. It can never give to the mercantile world the cheapest, safest, and best means of facilitating domestic exchanges. The State banks were not made for these general purposes; they are not fitted for them; they have not the unity and comprehensiveness of plan and of operation which the successful accomplishment of such purposes requires. They are subject to various limitations by their charters, and it may even be doubtful, in some cases, whether they can legally bind themselves in such stipulations and contracts as we propose to submit to them. They were established for local, not for general objects. They did not expect to receive Government deposites; and it might possibly be thought important to their stockholders and customers to be informed whether, in case of failure or insolvency, the priority of the United States would prevail, as in other cases, to the postponement of all other debts and claims. It is certainly my opinion, sir, that we are running great hazards with the currency of the country. I see no well-assured reliance for its safety in this system of deposite banks, regulated as well as they may be. Nevertheless, regulation is necessary, nay, it is indispensable; and some present benefit at least would arise, I am persuaded, from the passage of a proper law.

I come now, sir, to the other important object of this bill—the reduction of the amount of money in the Treasury.

And here the first question is, whether there will be any surplus revenue. Will there be any thing to divide at the end of this year? On this point opinions are not agreed, but I think there will be a surplus, and a large surplus. I do not see any probability either of such a falling off of income, on the one hand, or such an increase of expenditure, on the other, as shall leave the Treasury exhausted at the end of this year. I speak of this year only, because the measure which I shall propose will be limited to the end of this year. My plan is to provide for the surplus which may be on hand at the end of this year, and to stop there. As to the probable state of the Treasury at that time, I agree it is matter of opinion and estimate; but we know what sum is on hand now, and we are drawing the session to a close, when appropriations will cease, and the year itself is already half expired. It would seem, then, that we ought to be able to judge of the state of the Treasury six months hence, without risk of great and wide mistake. I proceed on the following general estimate and calculation:

January 1, 1836. Amount of money in the Treasury, - - - -		$25,000,000
Deduct unexpended balances of appropriations, - - - - -		8,000,000
		$17,000,000
Revenue of the first quarter of 1836, -		11,000,000
Estimate for the three last quarters of 1836, - - - - -		25,000,000
Stock in late Bank of the United States, including premium, - - -		8,000,000
		$61,000,000
Appropriations in 1836, estimated at - - -	$35,000,000	
Deduct what will remain as unexpended balance at the end of the year, - -	14,000,000	
		21,000,000
		$40,000,000

This estimate, sir, does not rest solely on my own judgment. I find others, acquainted with the subject, and competent to judge, coming to conclusions not far different from my own. It is true this rests on opinion. It cannot be mathematically proved that we shall have a surplus in the Treasury at the end of the year; but the practical question is, whether that result is not so highly probable that it is our duty to make some provision for it, and to make that provision now. I propose only to divide the surplus. If it shall happen, after all, that there shall be no surplus, then the measure will have done no harm. But if the surplus shall not be forty millions, but only thirty-five, thirty, twenty-five, or even twenty, still, if it be now probable that it will reach even the lowest of these sums, is it not our duty to provide for it?

This is a contingent measure, not a positive one. It is intended to apply to a case, in my judgment, very likely to arise, indeed, I may say, a case which, in all probability, will arise; but, if it should not, then the proposed measure will have no operation.

I have already observed that, in my opinion, the measure should be limited to one single division—one distribution of the surplus money in the Treasury. In that respect my proposition differs from the bill of the honorable member from South Carolina, and it differs, too, from the amendment proposed by the member from New York. I think it safest to treat the present state of things as extraordinary, as being the result of accidental causes, or causes, the recurrence of which hereafter, we cannot calculate upon with certainty.

There would be insuperable objections, in my opinion, to a settled practice of distributing revenue among the States. It would be a strange operation of things, and its effects upon our system of government might well be feared. I cannot reconcile myself to the spectacle of the States receiving their revenues, their means even of supporting their own Governments, from the Treasury of the United States. If, indeed, the land bill could pass, and we could act on the policy, which I think the true policy, of regarding the public lands as a fund belonging to the people of all the States, I should cheerfully concur in that policy, and be willing to make an annual distribution of the proceeds of the lands, for some years at least. But if we cannot separate the proceeds of the lands from other revenue, if all must go into the Treasury together, and there remain together, then I have no hesitation in declaring now that the income from customs must be reduced. It must be reduced, even at the hazard of injury to some branches of manufacturing industry; because this, in my opinion, would be a less evil than that extraordinary and dangerous state of things in which the United

States should be found, laying and collecting taxes for the purpose of distributing them, when collected, among the States of the Union.

I do not think it difficult to account for the present overflowing condition of the Treasury. The Treasury enjoys two sources of income—the custom-house and the public lands. The income from the customs has been large, because the commerce of the country has been greatly extended, and its prosperity has been remarkable. The exports of the country have continued to increase. While the cotton crop has grown larger and larger from year to year, the price of cotton has still kept up. Notwithstanding all the apprehensions entertained by prudent and sagacious men to the contrary, the world has not become overstocked with this article. The increase of consumption seems to keep pace with the increase of supply. The consequence is, a vast and increasing export by us, and an import corresponding with this export, and with the amount of earnings in the carrying trade; since the general rule undoubtedly is, taking a number of years together, that the amount of imports, and the earnings of freights, are about equal to the amount of exports. The cotton fields of the South, most unquestionably, form a great part of the basis of our commerce, and the earnings of our navigation another.

The honorable member from South Carolina had referred to the tariff of 1828 as the cause of the swollen state of the Treasury. I agree that there were many things in the act of 1828 unnecessarily put there. But we know they were not put there by the friends of the act. That act is a remarkable instance, I hope never to be repeated, of unnatural, violent, angry legislation. Those who introduced it designed, originally, nothing more than to meet the new condition of things which had been brought about by the altered policy of Great Britain in relation to taxes on wool. A bill with the same end in view had passed the House of Representatives in 1827, but was lost in the Senate. The act of 1828, however objectionable though it certainly was in many respects, has not been, in my opinion, the chief cause of the over-product of the customs. I think the act of 1832, confirmed by the act of 1833, commonly called the compromise act, has had much more to do in producing that result. Up to the time of the passing of the act of 1832, the minimum principle had been preserved in laying duties on certain manufactures, especially woollen cloths. This ill-understood and much-reviled principle appears to me, nevertheless, and always had appeared to me, to be a just, proper, effectual, and strictly philosophical mode of laying protecting duties. It is exactly conformable, as I think, with the soundest and most accurate principles of political economy. It is, in the most rigid sense, what all such enactments, so far as practicable, should be; that is to say, a mode of laying specific duty. It lays the impost exactly where it will do good, and leaves the rest free. It is an intelligent, discerning, and discriminating principle; not a blind, headlong, generalizing, uncalculating operation. Simplicity undoubtedly is a great beauty in acts of legislation, as well as in works of art; but in both it must be a simplicity the result of congruity of parts, and adaptation to the end designed; not a rude generalization, which either leaves the particular object unaccomplished, or, in accomplishing it, accomplishes a dozen others also, which were not desired. It is a simplicity which is wrought out by knowledge and skill; not the rough product of an undistinguishing, sweeping, general principle.

Let us suppose that the gradations in woollen cloths be represented by a line. At one end of this line are those of the highest price, and let the scale descend to the other end, where, of course, will be those of the lowest price. Now, with the two ends of this line our manufacturers have not much to do: that is to say, they have not much to do with the production of the very highest, or the very lowest, of these articles. Generally speaking, they work in the intermediate space. It was along this space, along this part of the line of work, that the minimum principle, as it has been usually called, operated. It struck just where the great object of protection required it to strike, and it struck no where else. All the rest it left free. It wasted no power. It accomplished its object by the least possible expenditure of means. Its aim was levelled at a distinct and well-discerned object, and its aim was exact, and the object was reached.

But the minimum had become the subject of obloquy and reproach. It was railed at even, in good set terms, by some who professed to be, and who doubtless were, friends of the protecting policy. It was declared to be deception. It was said that it cheated the people, inasmuch as under its operation they did not see what amount of taxes they really paid. For one, I did not admit the fact, nor yield to the argument. I had no doubt the people knew what taxes they paid under the operation of the laws, as well as we who passed the laws; and whether they stopped to make precise calculations or not, if they found the tax neither oppressive nor heavy, and the effect of the law decidedly salutary, I did not believe they would complain of it, unless it was made a part of some other controversy. The minimum principle, however, in its application to broadcloths, was overthrown by the law of 1832, and that law, as it came from the House of Representatives, and as it finally passed, substituted a general and universal ad valorem duty of fifty per cent. An effort was made in the Senate to resist this general ad valorem system, and to hold on to the specific duty. But it did not prevail. The Senate was nearly evenly divided. The casting or turning vote was held by a gentleman, a friend for whom I always entertain very high regard, a member from Maryland, and not now in the Senate. After the discussion, he admitted himself almost satisfied that the law, in this particular, ought not to be altered; but his impression against the minimum, nevertheless, finally prevailed, and he voted for the new mode—that is to say, the general ad valorem mode of laying the duty; and, to render this effectual, he himself proposed to carry that duty as high as sixty per cent. The Senate fixed it, indeed, at fifty-seven per cent., but the House non-concurred, and the law finally passed, as all know, establishing an ad valorem duty of fifty per cent. on wollen cloths, &c.

Now, Mr. President, when we recollect that the duties on woollen fabrics, of all kinds, bring into the Treasury four, or five, or six millions a year, every man acquainted with our manufactures must see at once that a portion of this vast sum is perfectly useless as a protecting duty; because it is imposed on fabrics with which our own manufacturers maintain no competition, and in regard to which, therefore, they ask no protection. I have instituted sundry inquiries for the purpose of learning, and of showing, what is the amount of duties collected annually on wollens, which have no distinct bearing, as protecting duties, on any of the products of our manufacturers. At present I will only say, and will say that with great confidence, that, of the surplus money now in the Treasury, several millions are the proceeds of ad valorem duties, which have conferred no perceptible benefit whatever on our manufacturing establishments. It is, therefore, sir, that I regard the law of 1832, and not the law of 1828, as the great error in our legislation. This law of 1828 was confirmed by the act of 1833, and is, of course, in actual operation at the present moment, except so far as it has become affected by the gradual reduction provided for by the last mentioned act. I

wish not to discuss the act of 1833. I do not propose, at present, to disturb its operation; but, having alluded to it, I take the occasion of saying that I have not the least idea that that act can remain as the settled system of this country. When the honorable member from Kentucky introduced it, he called it a measure of conciliation, and expressed the hope that if the manufacturing interests should be found to suffer under it, it might be modified by general consent. Although never concurring in the act, I entertain the same hope. I pray most fervently that former strifes and controversies on the tariff question may never be revived; but, at the same time, it is my opinion that the principles established by the law of 1833 can never form the commercial system of this country.

But, Mr. President, the most striking increase in the public revenue is in that branch of it which is derived from the sales of the public lands. How happens it that the proceeds from this quarter have sprung up, thus suddenly, to such a height? The Secretary's estimate of the proceeds of the sales of the public lands for this year was only four millions. The actual sales are likely to be twenty. What has occasioned this great and unexpected augmentation?

Sir, we are to remember that the growth and prosperity of the country, generally, are remarkable, and that as these increase, the western tide, both of people and property, increases also. The reflow of this property is into the Treasury through the land offices.

The well-sustained demand for cotton has, of course augmented the demand for cotton lands; and we all know that good lands, for the production of that crop, are sought for with great eagerness. We are to include, too, the great expansion of the paper circulation among the causes tending to produce heavy purchases; and the amount of foreign capital that has found its way, through one channel or another, into the country, and is giving an additional stimulus, and additional facility to enterprises, both public and private. Many of the States have contracted large debts, for purposes of improvement, and these stocks have gone abroad. I suppose there may be fifty millions of State securities now owned in Europe. Foreign capital, also, has been introduced, to a great extent of late, as the basis of commercial enterprise; a thing ordinarily to be expected, when we look to the low rates of interest abroad, and the great demand for money at home. It would be hazardous to estimate proportions and amounts, on such a subject; but it is certain that a large amount of property now afloat, in ships and goods, owned by Americans, and sailing and transported on American account, is put into commercial operation by means of foreign capital actually advanced, or acting through the agency of credit. This introduction of foreign capital, in all the various forms, has doubtless had some effect in extending our paper circulation, and in raising prices; and certainly it has had a direct effect upon the ability of making investments in the public lands.

And, sir, closely connected with these causes, is another, which I should consider, after all, the main cause: that is, the low price of land, compared with other descriptions of property. In every thing else prices have run up; but here price is chained down by the statute. Goods, products of all kinds, and indeed all other lands, may rise, and many of them have risen, some twenty-five and some forty or fifty per cent.; but Government lands remain at a dollar and twenty-five cents an acre; and vast portions of this land are equal, in natural fertility, to any part of the globe. There is nothing on either continent to surpass their quality. The Government land, therefore, at the present prices, and at the present moment, is the cheapest safe object of investment. The sagacity of capital has found this out, and it grasps the opportunity. Purchase, it is true, has gone ahead of emigration; but emigration follows it, in near pursuit, and spreads its thousands and its tens of thousands close on the heels of the surveyor and the land-hunter. When I traversed a part of the Western States, three years ago, I could not but ask myself, in the midst of the vast forests around me, Where are the people to come from who are to begin cultivation here, and to checker this wilderness with fields of wheat? But, when returning on the Cumberland road, or while passing along other great channels of communication, I encountered the masses of population moving westward, I was tempted to ask myself, on the other hand, a far different question, and that was, Where in the world will all these people find room to settle?

Nor are we to overlook, in this survey of the causes of the vast increase in the sale of lands, the effects, almost magical, of that great agent of beneficence, prosperity, wealth, and power—internal improvement. This has brought the West to the Atlantic, and carried the Atlantic to the West. Ohio, Indiana, Illinois, Michigan, and Wisconsin, are no longer places remote from us. Railroads and canals have brought the settlers of these regions so near to us that we almost see the smoke of their cabins and hear the strokes of their axes. From Maine to the upper Mississippi is already a beaten track, with one's acquaintances every where along the road, and that road even not a long one, if we measure it by the time required to pass over it.

Mr. President, if I am asked how long these causes, or any of them, will continue to act, with this effective energy, I readily answer that I cannot foresee. Nor can I foresee other events, which may affect our revenue in years to come. And it is for this reason precisely, that what I propose is limited to a single year. All the uncertainties and contingencies which naturally belong to human affairs, hang over us. I know not what expenditures may be called for next year. I know not what may be necessary to satisfy the all-absorbing capacity of Indian wars and Indian treaties. I know not what events, at home or abroad, may shake our commercial security. I know not what frosts and blights may do against the cotton crops. I know not what may happen to our currency. I cannot tell what demands for the use of capital in other objects may slacken the purchase of public lands; for I am persuaded that, hereafter, our income from that source is likely to be much more fluctuating than heretofore, as depending less on the actual amount of emigration, and more on the occasional plenty or scarcity of money. Emigration must hereafter supply its wants, much more than formerly, out of lands already separated from the public domain.

Under these circumstances, it appears to me to be prudent to limit the proposed division to a single operation. Let us lighten the Treasury for once; and then let us pause, and contemplate our condition. As to what may then be expedient, events will enlighten us. We shall be able to judge more wisely, by the result of our experiments, and the future will be more visible as it approaches nearer.

It will be observed, sir, that I give full time to the deposite banks to prepare themselves to pay over these funds. Time for this purpose is indispensable. We might do rather harm than good, if we were to require any sudden operation of that kind. Give the banks time; let them know what they have to do; let the community see into what channels the surplus funds are to flow, and when they are to begin to flow; and men of business will then be able to see what is before them.

I have the fullest confidence that if we now adopt this measure, it will immediately relieve the country. It will remove that severe and almost unparalleled pressure

for money which is now distressing and breaking down the industry, the enterprise, and even the courage, of the commercial community. I assure you, sir, this present pressure is not known, or felt, or believed here, in any thing like its true extent. If we give no relief, I know not what may happen, even in this day of high prosperity. I beseech those who have the power, not to let the opportunity pass, but to improve it, and thereby to revive the hopes and reassure the confidence of the country. Having expressed these sentiments, and brought forward this specific proposition for one division among the States of the surplus funds, I should now move to commit the whole subject, either to a select committee, or the Committee on Finance, were it not that, looking to the present composition of the Senate, I am not desirous of taking a lead in this measure. The responsibility naturally rests with those who have the power of majorities, and who may expect the concurrence of other branches. Meantime I cheerfully give myself to any labor which the occasion requires, and I express my own deep and earnest conviction of the propriety and expediency of the measures which I have endeavored to explain and to support.

Mr. W. then proposed the following as an amendment to the "bill to regulate the deposites of the public money," as an additional section:

SEC.—. *And be it further enacted*, That the money which shall be in the Treasury of the United States on the first day of January, eighteen hundred and thirty-seven, reserving ——— millions, shall be divided among the several States, in proportion to their respective amounts of population, as ascertained by the last census, and according to the provision of the second section of the first article of the constitution; and the Secretary of the Treasury shall pay the same to such persons as the several States may authorize to receive it, in the following proportions, and at the following times, viz: one half on the first day of April, eighteen hundred and thirty-seven; one quarter part, on the first day of July, eighteen hundred and thirty-seven; and the remaining quarter on the first day of October, eighteen hundred and thirty-seven; and all States which shall receive their several proportions according to the provisions of this act, shall be taken and understood thereby to pledge the public faith of such States to repay the same, or any part thereof, to the United States, whenever Congress shall require the same to be repaid by any act or acts which shall require such payment ratably, and in equal proportion, from all the States which had received the same.

When Mr. WEBSTER had concluded—

Mr. CALHOUN moved to refer the bill to a select committee; which was agreed to.

On motion of Mr. CALHOUN, the committee was ordered to consist of nine Senators.

The Senate proceeded to ballot for the committee; which was ordered to consist of the following Senators:

Messrs. Wright, Calhoun, Webster, King of Alabama, Buchanan, Shepley, Leigh, Hendricks, Ewing of Ohio.

Mr. WEBSTER then laid on the table the amendment which he had prepared, and moved for its printing; which was ordered.

INCREASE OF THE ARMY.

Mr. BENTON moved that the previous orders be postponed for the purpose of taking up the bill to increase the military peace establishment of the United States.

Mr. SOUTHARD expressed the hope that the preference would be given to the bill to extend the charters of the banks of the District of Columbia.

Mr. BENTON called for the yeas and nays on his motion; which were ordered, and the question was decided in the affirmative by the following vote:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Ewing of Illinois, King of Georgia, Leigh, Morris, Nicholas, Niles, Porter, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, White, Wright—19.

NAYS—Messrs. Clay, Crittenden, Cuthbert, Davis Ewing of Ohio, Goldsborough, Hendricks, Hubbard, King of Alabama, Naudain, Prentiss, Preston, Robbins, Southard, Tomlinson, Webster—16.

The bill to increase the military peace establishment of the United States was accordingly taken up, and after a brief explanation from Mr. BENTON, and at a late hour of the day, it was passed over, informally, and the Senate proceeded to the consideration of executive business; after which,

It adjourned.

WEDNESDAY, JUNE 1.

The following messages, in writing, were received from the President of the United States, by Mr. DONELSON, his Secretary:

WASHINGTON, *June* 1, 1836.

To the Senate:

I transmit, herewith, to the Senate a communication which has been received from Mr. B. F. Curry, in answer to a call made upon him by the President, through the War Department, in consequence of the serious charges which were preferred against him by one of the honorable members of the Senate. It seems to be due to justice that the Senate should be furnished, agreeably to the request of Mr. Curry, with the explanations contained in this communication, particularly as they are deemed so far satisfactory as would render his dismissal from the public service, or even his censure, undeserved and improper.

ANDREW JACKSON.

WASHINGTON, *May* 31, 1836.

To the Senate:

I transmit, herewith, the response of Samuel Gwin, Esq. to the charges affecting his official conduct and character, which were set forth in the evidence taken under the authority of the Senate, by the Committee on Public Lands, and which was referred to the President by the resolution of the Senate bearing date the 3d of March, 1835. This resolution, and the evidence it refers to, were officially communicated to Mr. Gwin by the Secretary of the Treasury, and the response of Mr. Gwin has been received through the same official channel.

ANDREW JACKSON.

The messages having been read—

Mr. BENTON observed, that with respect to the paper last referred to, the answer of Mr. Gwin to the charges made against him on that floor, he should, as an act of justice to that gentleman, move that it be printed. The Senate directed investigations to be made which involved his official character and conduct, and which he thought, from the nature of the instructions under which they were carried on, were entirely *ex parte*. The instructions to the commissioners who were to take the depositions, were partly to this effect:

[Here Mr. BENTON read from the document as follows:]

"It is not expected that you are to give notice to any one of the time and place of taking depositions; nor will any one be permitted, either as principal or counsel, to interfere with you in the performance of your duty; but you may, at your option, furnish to any officer who resides at a convenient distance, copies of any depositions in which he may be implicated. This, however, is left to your own discretion."

The instructions went on to say that if the commissioner deemed it proper to have counsel, the fees paid for such purpose would be allowed him.

Mr. WALL inquired who these instructions were signed by?

Mr. BENTON answered that they were signed by George Poindexter, chairman of the Committee on Public Lands. He apprehended that these proceedings were a novelty in the history of this country, or in that of Great Britain, and he trusted that they never would occur again. Mr. Gwin, having become acquainted with the manner in which these investigations had been carried on—depositions to be taken in the dark without giving him an opportunity of being heard in his defence—counsel to be feed against him, &c., had collected a mass of testimony for the purpose of defending himself, and rebutting the charges made against him; and all that was now asked was, that this defence might be printed, and sent abroad in the same manner as the accusations against him had been.

Mr. WALL said he would be glad to know if these instructions were the act of a committee of the Senate, or of the man whose name was signed to them. They seemed to him to be at war with every thing like justice.

Mr. BENTON, in answer, read the resolution of the Senate under which the Committee on Public Lands were directed to make examinations in relation to alleged frauds with respect to the public lands, and the resolution authorizing the chairman of the committee to continue the examinations in the recess of the Senate. It seemed, therefore, that the instructions emanated from the Land Committee, and were signed by their chairman, George Poindexter.

Mr. CALHOUN said that he knew nothing at all relative to the charges made against Mr. Gwin; but it appeared to him that the regular course would be to refer the whole subject to the Committee on Public Lands. If Mr. Gwin had satisfactorily refuted the charges made against him, or had not succeeded in doing so, the fact would appear by the report of the committee. The best way of doing justice to all parties would be to subject the whole matter to the investigation of a committee.

Mr, EWING, of Ohio, hoped that the reference to the Committee on the Public Lands would not be made. The charges against Mr. Gwin had been made two years ago. He (Mr. E.) was not a member of the Committee on the Public Lands at that time, and there were very few of that committee who were now in the Senate. If the reference proposed were not perfectly idle, the effect would be to renew the investigation into the charges against Mr. Gwin, together with his defence.

Mr. BENTON was also opposed to the reference. He did not want to see any committee of that body sit as inquisitors on a citizen of the United States. It seemed to be carrying the business of extra judicial impeachments beyond any thing yet sanctioned by the people of this country, or warranted by the constitution. They had seen enough of these inquisitorial proceedings in that body. The whole thing was wrong from its inception; it began wrong, it went on wrong, and it ended wrong. The Senate had got itself into a false position, and could not get forwards or backwards without another false step. The most becoming thing they could now do, was to drop the whole affair, and print the paper, in order to allow the defence to take the same direction that had been given to the accusation. It would sound strange to the ears of the people of the United States, that the Senate of eighteen hundred and thirty-four, which set itself up to rectify all the abuses in the country, should issue a commission to investigate the character and conduct of an individual, and expressly forbid the commissioner to give any information to the accused of the time and place of taking depositions against him, or to permit any person to interfere with the performance of his duty, though he might, at his option, give copies of such depositions to any officer implicated, who might reside within a convenient distance. Sir, (said Mr. B.,) the whole thing is wrong from beginning to end, and they had better have done with it at once. All that was asked by Mr. Gwin was, that as these charges against him had been printed, and made a part of the public documents, his answer should also be printed and put upon the record.

Mr. EWING, of Ohio, was not disposed to answer in behalf of the gentleman who was chairman of the Committee on Public Lands at the time these investigations were ordered. If that gentleman were here he could answer for himself. With respect to frauds on the public lands, it was right that each branch of Congress should enter into investigations to ascertain them, and apply the proper remedy; it was right that they should not be permitted to pass without investigation. He should not undertake to say whether these investigations were conducted properly or otherwise. The gentleman who conducted them was not here to explain that matter; but he thought the Senate ought not to exhibit any great anxiety to get out of this matter, because the investigation was a very proper one, and, under the circumstances then existing, the Senate could not have done otherwise than order it. It was not his purpose now to inquire whether those investigations were conducted properly or not; all he rose for was to object to the reference to the committee of a matter long ago passed over. It could not now be referred for the correction of a present evil, but to pass judgment on what had heretofore been done.

Mr. KING, of Alabama, observed that the matter had now gone by, and he could not but express his regret that such unsuccessful efforts should have been made to resist a course of procedure calculated to do the greatest injustice to individuals who held office under this Government. He said then, what he thought now, that it was an act of great injustice and oppression, to give power to the committee to enter into investigations touching the moral and official conduct of an individual, that individual being absent, and unable to defend himself, without giving him an opportunity of knowing what was charged against him, and of refuting the testimony that might be offered. The Senate, however, passed the resolution giving this power to the committee, with power to send for persons and papers; and they went on with their examinations till towards the end of the session, when they represented that they were unable to bring matters to a close, and requested that the examinations might be continued by their chairman. The chairman himself laid a resolution to this purport on the table, and, to his astonishment, as well as of others, the resolution was sustained by the Senate.

[Mr. K. here read the resolution.]

The resolution was laid on the table and taken up for consideration on a subsequent day, when the Senator from New York [Mr. WRIGHT] proposed to amend it by doing that which ought always to be done, to guard the right of individuals, and enable them to come forward and defend themselves, when testimony was offered impeaching their characters as honest men and public officers.

[Mr. K. here read Mr. WRIGHT'S amendment.]

This, as he said, was the amendment proposed to the resolution, giving unlimited power to the chairman of the committee to enter into examinations, without giving notice to the party whose conduct was to be inquired into, and whose morals were to be impeached; and, astonishing as it was, this amendment was negatived by a vote taken by yeas and nays.

[Mr. K. then quoted the yeas and nays from the journal of the Senate.]

Thus then was this immense power given to a single individual, to go through the country to make any inquiries he thought necessary, and to incur any expense he might think proper, (and they had had evidence this session of the extent to which this expense had been carried,) refusing any limitation or restriction whatever. This having been done, it was but an act of justice, on the part of the Senate, to give to the individual thus implicated, an opportunity of having his defence placed by the side of the accusation. Let the testimony in favor of Mr. Gwin circulate as widely as did that against him, and then only can any thing like justice be done him. As to any action by the committee, he agreed with the Senator from Ohio [Mr. EWING] that it was out of the question, and therefore a reference was not necessary.

Mr. PORTER was one of those who voted for these resolutions, and the responsibility that he took, on that occasion, he was perfectly willing to justify. He averred that the Senate formed no incorrect conclusions on that occasion, and that its conduct was not oppressive and unjust, as alleged. It could have taken no other course than the one it did, without defeating the object in view. Many believed that the greatest frauds were carried on in the sales of the public lands, and an inquiry was, therefore, absolutely necessary. But what was the nature of the inquiry? It was not into the conduct of any particular officer of the Government, but the inquiry was directed to be general as to all the land offices. If representations were made now that frauds were committed in any one branch of the Government, would the Senator from Alabama refuse to institute an inquiry because a particular officer of the Government might be implicated, and the Senate be called on to impeach him? Was it not common in the Governments of all other countries as well as this to institute inquiries into the conduct of their officers, to ascertain whether frauds had been committed; and was it ever heard of before that such investigations should not go on because frauds were alleged against individuals? It was said that the resolution was extraordinary, because no opportunity was allowed the individuals who might be implicated to defend themselves by a cross-examination of the witnesses. But was there a charge against any individual? The inquiry was to be a general one; and would it, therefore, be right to give notice to every individual, who might be supposed to be implicated, to come forward to disprove what might be alleged against him? It would be very extraordinary, indeed, if it should have been thought necessary to all who might by possibility be involved in the inquiry. Mr. P. here read the resolutions and instructions of the committee, commenting on them at some length, and justifying them as proper and necessary for the occasion. The motion of the Senator from New York to amend, that had been referred to by the Senator from Alabama, was resisted on the ground that the resolution was a mere matter of inquiry, no person believing that any judgment was to follow it; that it was purely intended as a foundation for legislative proceedings. It was to proceed like a grand jury; and he recollected that it was averred at the time that this investigation would tend to the injury of no person whatever, because no judicial proceedings would be gone into without giving time to any person implicated to offer evidence in his defence. If any person was to be tried, it was on all hands determined to give him an opportunity to come forward and exculpate himself before any further action would be had. Mr. P. thought, therefore, that there were no grounds for finding fault with the proceedings of the Senate. The investigation was a general one; and, while it was going on, it would have defeated its objects to give notice relative to the depositions that were to be taken. Mr. P. had no objection to placing these papers on the files of the Senate. If the individual had any evidence, he had rather receive it than his allegations; but he thought the whole matter ought to be referred to the examination of the committee.

Mr. CALHOUN very much regretted that the chairman of the Committee on Public Lands should object to the reference of this paper. His object was that full justice should be done to Mr. Gwin, to Mr. Poindexter, and to the Senate. He would not agree that the Senate had not the right to inquire into the conduct of public officers when serious frauds had been charged against them, as he had heard alleged on that floor. Serious frauds had been alleged against Mr. Gwin, and among other charges was one that he had amassed a large fortune in a very short time. This, alone, was very suspicious, and an investigation was ordered. The session was a short one, and the committee reported that they could not get through with the examination before its close, the chairman proposing, by a resolution, that he should be authorized to go on with the examinations in the recess. This was agreed to. He did not now propose to inquire whether these examinations were conducted properly or not. One thing was now assumed here, and that was, the innocence of Mr. Gwin, and the guilt of Mr. Poindexter. Now, something was due to the absent; and an investigation by a committee was necessary before coming to the conclusion that Mr. Poindexter was culpable. Now, as these papers had taken an accusatory course against Mr. Poindexter, he would ask, was that gentleman called on for his evidence? Was he notified that he was to take Mr. Gwin's place, and that depositions were to be taken to implicate him? Was this an *ex parte* examination? If it was so improper on the part of the Senate to clothe Mr. Poindexter with these extraordinary powers, he would ask were they prepared to sanction the same thing done by the Executive, who had given to Mr. Gwin, or somebody else, the power to examine into the conduct of Mr. Poindexter?

Now they were called on to vote in the dark for the printing of these papers, of which they knew nothing, for the purpose of implicating Mr. Poindexter and the Senate itself. He took it for granted that the inquiry into alleged frauds, relative to the public lands, was a proper one; and if Mr. Poindexter abused the power with which he was intrusted, it was not the fault of the Senate; and the fact whether this was so or not, could be best ascertained by the examination of a committee. They had been told that there was nothing for the action of a committee. Now he thought otherwise. The character of an officer of the Government had been implicated; he had been charged with an abuse of office, and his defence was before them. Now, if Mr. Gwin was innocent, he ought to be called so. When he voted for the inquiry, his object was to do justice to Mr. Gwin and to the public; and in voting now for the reference, he had the same object in view. Justice, both towards Mr. Gwin, and one who had formerly been a member of that body, required the reference. If they condemned Mr. Poindexter, it ought to be with their eyes open. They all knew what an arduous task a Senator in high party times had to perform, and how liable the strict execution of his duty was to subject him to censure. No member of that body would be willing that his conduct should be censured after he left here without an examination; and he called upon gentlemen by what was due to themselves, as well as to justice, to vote for the reference.

Mr. SHEPLEY said, if the Senator from Louisiana [Mr. PORTER] understands that the investigations of the Committee upon the Public Lands were extended only to inquiries of a general character into alleged frauds in

the sales of the public lands, that they were designed for legislative purposes only, and that they did not relate to individual character, as his remarks would lead us to suppose, he is greatly in error. The language of the resolution of the Senate giving the chairman of the committee the power to make an *ex parte* inquiry during the recess of Congress is, in some respects, expressed in general terms. But the resolution directs the chairman to proceed in the investigation which had been prosecuted during the session, and thus refers to the original resolutions by virtue of which the investigation had been commenced.

I find, said Mr. S., those resolutions in the Journal, and to enable the Senate to come to a correct understanding of the character of the investigation, I will read an extract from one or two of them.

In the third resolution is found this language:

"That the committee be instructed to inquire whether the registers of the land offices and the receivers of public moneys at any of the land offices of the United States, or either of them, have, in violation of law and of their official duties, demanded or accepted a bonus or premium from any purchaser or purchasers of the public lands, at public or private sale, for the benefit of such officer or officers," &c.

And the following language is found in the fourth resolution:

"And whether any register or receiver has, at any time, taken in payment the promissory note of any purchaser or purchasers, bearing an interest, to accrue to the benefit of such register or receiver."

Sir, said Mr. S., it is very difficult for me to understand how such language can be said not to authorize investigations into the conduct and characters of individual men. If the object was only to enlighten us in regard to our legislative duties, it would not seem to be necessary to inquire whether a register or receiver had violated the law and his official duties. What were the facts, it might be proper to inquire, to enable us to legislate; but whether the man had been guilty of a violation of law and of official duty, was an inquiry directly involving individual character; and it does not seem to be necessary for mere purposes of legislation. It was well understood, at the time the resolutions passed, to involve individual character; and as the Senator from South Carolina [Mr. CALHOUN] has remarked, Mr. Gwin was openly charged by the chairman of the Committee on Public Lands with a gross violation of official duty. Such was the language of the resolutions, and such were the circumstances in which it was proposed to enter upon the investigation.

I then thought, as I now think, that it was due to the officer implicated; due to the character of the Senate itself; and due to truth and justice, that the investigation should not proceed in secret, so that the accused could know nothing of the attempt to destroy his character; could have no opportunity even to know the persons who would appear against him, much less to cross-examine them, or to introduce any explanatory or rebutting testimony. Feeling that the first principles of justice were to be violated in such a proceeding, I offered an amendment to the fifth resolution. It is thus stated on the Journal:

"On motion of Mr. Shepley, to amend the fifth, by striking out all after the word committee, and inserting, 'have power to cause testimony to be taken on oath, where any misconduct is supposed to have taken place touching the matters aforesaid; and in case any person is implicated, such person to be notified, and be entitled to introduce testimony in exculpation of himself; and to cross-examine all witnesses introduced against him.'"

This proposed amendment was rejected upon a division, by yeas and nays, a party vote And thus did the Senate deliberately enter upon an investigation directly impeaching individual character, and at the same time refuse to the individual all opportunity of being heard. A proceeding thus commenced in wrong, could be expected to end only as it has done—in wrong. Commencing thus before a committee of the Senate, the investigation was continued during the recess of Congress by the resolution before referred to, when another attempt was made by the then minority to obtain for the persons implicated, an opportunity to be heard, and without success. It is now after two years have elapsed, that testimony is offered, said to disprove the charges made against the officer; and we now are asked to refuse to print this testimony, that it may be placed upon our records with that which was thus secretly obtained and placed on record against him. I trust that we may no longer continue to act a part so unjust. This testimony should be printed with our documents, that an opportunity may be afforded to judge of the truth of the whole matter.

Mr. MANGUM said he voted for the resolutions, and against the amendments; and in doing so, he thought that he did what was not only proper, but absolutely necessary, under the circumstances then presented to him. It must be remembered that, in 1834, the entire southern country was rife with reports of frauds that had been committed with respect to the sales of the public lands in the southwest. He recollected, that when he first came into the Senate, he brought with him such impressions. There was a general impression, that such frauds had been practised, and under such circumstances the investigation was ordered. What, then, did this investigation propose? It was not to inquire whether A B or C were guilty, but to inquire whether abuses existed in the land offices, for the purpose of applying a legislative remedy. They were informed on that floor, that in the State of Mississippi it was worth a man's life to breathe a whisper in relation to these frauds, and that men would not give their depositions, if the parties implicated were to be present. It was under these impressions that he was willing, at this incipient stage, to give this power to the committee. How could such investigations affect an individual? The President would not remove him from office on *ex parte* testimony. But it was said that the character of an individual would be affected. Was it believed at the time that the Senate would adopt a report without giving every individual an opportunity of defending himself? He did not concur in the doctrine that the Senate had no right to enter into inquiries into the official conduct of officers of the Government. He held it to be their duty to ferret out corruption wherever it was supposed to exist. He was free to say, that he did not approve of the instructions of the chairman to the commissioners, as to the manner of their taking depositions, and he was for that reason willing to vote for the printing of the answer of Mr. Gwin. Although without having seen this paper, he believed that it assailed the chairman of the committee and the Senate with virulence; yet as he deemed the instructions under which the depositions were taken, to be wholly irregular, he was willing to give to Mr. Gwin an opportunity of being heard, by voting for the printing of his defence.

Mr. BENTON observed that it would conduce to a right view of the matter to take a brief view of the whole subject. They all recollected the charges that had been made against Mr. Gwin; and although his name was not put in the resolution, yet all knew that the inquiry was commenced against him, and directed against him. He had said that the Senate had put itself in a false position with regard to this whole affair, and he would take upon himself to prove it. He would take what Senators now said, to the right and left, and compare it with what they had done. They now stated that this movement was incipient; that it was like a

grand jury proceeding. Here, then, was an inquiry instituted against an officer of the Government; and it was said that the committee, being a grand jury, was not bound to give notice to the party whose conduct was to be inquired into. Every gentleman, who justified the course of the Senate, must put it on this ground. The examinations being thus conducted, the commissioners, who were charged with taking testimony, were informed that it was not expected that they should give notice to any person of the time and place of their taking depositions, &c. And here he would observe that the three commissioners, appointed to take testimony againt Mr. Gwin, were in a state of violent enmity with him; and that one of them had since fallen by his hand. Then, what was the testimony that had been returned to the Senate? Why, it was impeachable matter, charging him with malversations in office, and filled with the strongest epithets. What, then, did the Senate do when their grand jury returned to them this impeachable matter sworn against Mr. Gwin? Why, the very next step of the Senate was to admit that it was in a false position, and that they could go no farther. They directed that five thousand copies of the testimony, taken *ex parte*, against this officer of the Government, should be published. What was the next step? Was it to take measures for an impeachment? Why did they not do this? It was the next regular step. There was nothing that they could do, following from the documents before them, but impeach; and he now declared, as a Senator, that, upon such testimony, with nothing to counteract it, he should, on an impeachment, vote the officer guilty, and eject him from office. Why did they not proceed? They had impeachable matter enough on hand. Why did they stop? It was because they found that they could go no further, without implicating themselves. What did they do? Did they frame a law? No. Did they frame an *ex parte* impeachment like the one they did against the President of the United States? No. *Imprimis*, they ordered five thousand copies to be printed, and in the next place referred the whole affair to the President, in order that he might dismiss the accused from office. Why did they send this impeachable matter to the President? What did the President do? He sent a copy of the report to every officer implicated. This, he presumed, was the President's course, for it was the just one. One of these implicated officers had returned an answer to the charges against him, and this answer was now sent to the Senate. What a strange condition the Senate was placed in. They commenced an impeachment, collected an abundance of impeachable matter, and then sent it to the President, who sends a copy of it to the officer impeached, who was not allowed a hearing while his trial was going on; and the answer of that officer was now sent back to them. Since the movement now was to refer these criminal charges that had been made two years ago, and then shuffled off, and which were now brought home to them, he had no objection to that course; because he wished to see how the committee would act on them—to see whether they would bring in a resolution to send the papers to the House of Representatives, for the purpose of having an impeachment framed. Sir, (said Mr. B.,) the Senate has got itself into a false position. It is in the same position it was in when it shoved off the affair upon the President. It could not go on with the business. Could they try the impeachment? He apprehended not. No member, he thought, would lay a resolution on the table, declaring that Samuel Gwin was guilty, and ought to impeached.

The debate on the expunging resolution had circulated too widely for gentlemen to venture on that. The gentleman from Ohio had said that he would never refrain from inquiring into frauds for the purpose of applying the proper remedy. Why, then, did not the gentleman go on? Here was impeachable matter sworn to, and let the gentleman proceed with it. He would tell the gentleman that the Senate would be ruined if it went on much further with these extra-judicial proceedings. The matter had gone far enough already; and, if they went further without the House of Representatives, they would violate the constitution.

Mr. EWING, of Ohio, replied to Mr. BENTON at length, and contended that the resolutions of the Senate, and the manner of conducting the inquiry, were proper—necessary to attain the object in view. He did not believe that information could have been obtained if notice had been given of the time and place of taking the depositions; and instanced the investigations that were made by the Post Office Committee, calling upon the chairman to inform the Senate how these were conducted, and whether, in his opinion, correct information could have been obtained if they had notified the parties implicated, of the time and place of taking depositions.

Mr. GRUNDY, being thus called on, replied that, when the Post Office Committee were about to enter on their examinations, they came to the determination, unanimously, that their best course would be to take depositions without giving the parties implicated notice of the time and place of so doing. This was done in every case; but, when the testimony in each case was concluded, he, as the chairman of the committee, notified each individual implicated of the matter brought against him, and called upon him to defend himself. He did not believe that correct information, with regard to matters before the Post Office Committee, could have been obtained by any other mode of inquiry.

Mr. SOUTHARD proceeded to take a view of the reasons which induced the Senate to institute the inquiries referred to. Early in the session of 1834, complaints, in a great variety of forms, were made in regard to frauds in relation to the lands ceded by the Choctaws, and in regard to the conduct of the commissioners under that cession. Subsequent charges were made as to extensive frauds that had been committed, not only in Mississippi, but in other States; it was not against one man, but against the general administration of the land officers. The question then before the Senate was, will it do any thing to arrest these frauds, and make the necessary inquiries for the purpose of ascertaining how they can be arrested? This was his inquiry. He had no reference to Samuel Gwin, or to any other single individual. His only object was to ascertain whether such frauds had been committed, and how they could be prevented by the legislation of Congress. The votes he gave were governed by these considerations, and no other. If any thing improper had been done in conducting the inquiry, it did not prove that it ought not to have been instituted. Every step in that inquiry was directed by its legislative action, and every other step was accidental. Mr. S. read the different proceedings on the subject from the journals of 1834. The inquiries were general, in order to ascertain what legislation was necessary, and the Senate would find, by reference to the journals, that an act was reported, a fact omitted in the discussion of this morning. Suppose, in the course of the investigation, they should find that an officer had received a bonus for the sale of a tract of land, would it not be proper for them to introduce a resolution providing for the introduction of a law to prevent such acts for the future? not to go back to punish the officer who was guilty, for that would be too late, but for the purpose of framing a law that would guard against such frauds in future. The Senate would find, on looking at the whole proceedings, that legislative, and not judicial, action was contemplated from beginning to end.

By a resolution introduced by Mr. Poindexter, the inquiry was pursued through the Treasury and War Departments, and the answers from these Departments did not come in until the 13th of June. On the 22d of June, Mr. Poindexter offered a resolution authorizing the chairman to proceed in the investigations already commenced. Now, what then was the duty of the Senate? The Secretaries of War and Treasury had made their communications, and the committee had reported that they could not conclude their investigations that session. The inquiry was, should they stop there? Every body believed that stupendous frauds had been committed; it was too late to deny the fact now; and he for one thought that these investigations should proceed. And as it would have been impossible for the committee to go to the different States where these examinations were to be made, Mississippi, Alabama, Ohio, Michigan, &c., he had no difficulty in coming to the conclusion, that it would be proper to trust the further prosecution of the business to their chairman. They could have continued the inquiry in no other mode. He was not here the apologist of the chairman, but he thought that justice should be done to him as well as to others. Well, then, it was proper to make these investigations by depositions. If it was not so, it was wrong for the Post Office Committee to do so. The testimony could not be justly taken in another way. If there had been error in the chairman of the committee, the Senate was not to answer for it. If blood had been shed, in consequence of the manner of conducting these inquiries, the Senate was not chargeable; they did not direct that the inquiries should be made in an improper manner. They only directed that the inquiries should be made by depositions.

Mr. S. said he would not defend the instructions to the commissioners; but he would say that if instructions had been given to them to give notices to the parties implicated, and to take their counter testimony, such proceeding would constitute the commissioners into a criminal court for the trial of individuals, and to make the inquiry a criminal process, instead of a foundation for legislative proceedings. These were the views on which he voted. The result was, that, at the succeeding session, the chairman (Mr. Poindexter) made a report, accompanied by a resolution, that the charges be referred to the President of the United States. Where then was the voice that is now raised against the judicial proceedings of the Senate? No man pretended to say then that the Senate had placed itself in a false position. Mr. S. proceeded at length to defend the propriety of this course on the part of the Senate. It was said that the whole affair was ended by printing the report, and its reference to the President; but this was a very incorrect view of the subject; the reference to the President was merely incidental. But on the very day the chairman reported a bill, with the very view of fulfilling the purpose for which this inquiry was made, being a bill of six pages, to provide against the commission of these frauds. Was it true, then, that the inquiry was fruitless, and that it ended in a reference of this subject to the President? No, the result of that investigation would be found in the bill that had been reported, and would be found in the labors of the Committee on Public Lands, who had made use of this very information, and would very soon place before them a bill which would show how useful that inquiry had been. Where, then, was the evidence that the Senate had placed itself in a false position?

Mr. CALHOUN agreed partly with his friend from North Carolina, but was clearly of opinion that the printing ought to be after the report of the committee. Not a single Senator had read the whole of this evidence; not a Senator knew whether it exculpated the officer implicated, or whether it implicated the conduct of the chairman; and in the dark they were asked to print the testimony. Now, he thought that to do justice to all parties, to Mr. Gwinn himself, as well as others, the proper course was to refer it to a committee. If the object in sending this document here was to implicate a former member of that body, who had, in the discharge of arduous duties, been implicated, every principle of honor and justice required that they should be referred and examined before sending them abroad to the world. As to the dangerous doctrine, that this body is not to look into malfeasances in office, it had been avowed here for the first time. Never had it been avowed in the British Parliament, from which we took our practice, nor had it been advanced in any of the State Legislatures. Such a doctrine would surrender entirely the Legislative power of the Senate.

Mr. C. continued his remarks to some considerable length; after which,

Mr. WHITE and Mr. WALKER expressed themselves briefly in favor of printing.

The debate was further continued by Messrs. PRENTISS, MANGUM, PRESTON, PORTER, WALL, NILES and BROWN; when,

On motion by Mr. PORTER to lay the whole subject on the table, it was decided in the negative, by the following vote:

YEAS--Messrs. Black, Calhoun, Crittenden, Ewing of Ohio, Goldsborough, Kent, King, Leigh, Mangum, Porter, Prentiss, Preston, Southard, Tomlinson, White--15.

NAYS--Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hubbard, King of Georgia, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, Wright--20.

On motioh of Mr. BLACK,

The Senate then adjourned.

THURSDAY, JUNE 2.

LOUISVILLE AND PORTLAND CANAL.

On motion of Mr. EWING, of Ohio,

The bill authorizing the purchase of the private stock in the Louisville and Portland canal, was taken up; and the pending amendment having been withdrawn,

Mr. EWING said he was satisfied that the importance of this measure had not been fully weighed, and its nature duly appreciated by the Senate before the vote was taken upon it the other day. I have (said Mr. E.) since that time ascertained more fully the objections of gentlemen to this measure, and the opinions upon which those objections rest, and I am further satisfied that there is the most friendly disposition towards the bill if those difficulties can be removed.

Some gentlemen object to the extension of these improvements by the United States beyond those waters in which the tide ebbs and flows, with an exception, perhaps, in favor of the very margin of our great lakes. This is a notion which we have derived from England; it is a part of the common law applicable to that country, but not to this. In England there are no rivers navigable, in fact, above the flowing of the tide. It is very reasonable, therefore, that they should not be considered navigable in law. But that rule is perfectly absurd when applied to the mighty rivers of our continent, which sustain a commerce in vessels large as East Indiamen, for three thousand miles of their course, and compared with which the royal rivers of England, the Thames, the Humber, and the Severn, are but rills. We constantly forget that we are not still inhabitants of an island; it is our habitual tendency to apply insular law to our broad continent.

But the constitution considers these great western rivers as belonging to the Union. The ordinance of 1787, in that part of it which is an irrepealable compact

with the people of the Northwestern Territory, and which is adopted by the constitution, declares that the Mississippi river, and the navigable waters flowing therein, shall be common highways, open to all the citizens of the United States. This single provision takes those rivers out of the care and charge of the several States, and makes them national rivers, and, as such, they ought to be kept open and maintained in a condition of usefulness at the national expense.

Again, it it objected that we cannot purchase this canal, though we might clear out, if practicable, the obstructions in the channel of the river.

The construction of the Louisville canal, being the work of individuals, has nothing to do with the relative rights and duties of the United States and the people of the West. Whatever we would have had a right to claim if that canal had never been constructed, we may claim now, with the same reason. The navigation of the river is still obstructed; if not by the falls, by a heavy toll to avoid the falls. Suppose, then, no canal had ever been made, and that the obstruction in the navigation of the river was as nature formed it: would not the United States have the right, and would it not be their duty, to remove it, if practicable, at an expense not exceeding the value of the object to be attained? But suppose it were necessary to go upon the shore and cut a canal to avoid the falls, thus leaving the channel of the river a little: I think no one can be so straitlaced as to deny our right to do this, with the assent of the State on whose territory we enter. If this be admitted, we might contract with individuals, Kentucky assenting, to construct just such a canal as that at Louisville, at precisely the price which we propose to pay for that; and if we may, why not buy the one already constructed? It seems to me there is nothing in the objection, and I hope the amendment which we lost the other day in committee will be restored, and that the bill will pass. It is of great importance to the western commerce.

Mr. PORTER made a few observations in favor of the bill.

Mr. HENDRICKS said he had some amendments to offer to this bill, the object of which was to remove objections which had been developed during the discussion the other day. He had but little to say in addition to what he had then said, and he could not believe that the Senate, fairly and fully understanding this bill, would hesitate to pass it. He had said on a former occasion, that it was the duty of the Government to deal liberally as well as justly with the stockholders, and he had voted to offer them 12½ per cent. above par for their stock. The committee had proposed par only, and he, as the organ of the committee, had presented that proposition in the bill. Subsequent information, however, had induced him to believe that the stock could not be had at par, but could be had at 12½ above par. It was known that the stock had even been higher, had sold in one instance at 17½ above, and it had recently been quoted in the Philadelphia papers at 16 above par. He had, on that occasion, given it as his opinion that the stock was not intrinsically worth as much as the market price would indicate. He still thought that opinion correct, and that there were reasons for that opinion which were strong and convincing. The demands of the people west of the mountains, and of their commerce, almost incalculable in extent, that they should be released from tribute at the falls of the Ohio, were reasonable and just. That commerce must forever remain at war with the company monopoly there, and this conflict (said Mr. H.) is too unequal to be long continued.

Another reason why the stock is not really so valuable as the market price would indicate is, that a canal can readily be made on the other side of the river; one much more valuable than the Louisville and Portland canal; one that would have many advantages over that on the Kentucky side; one that would afford a greater water power than could be created in any other place in the United States, save, perhaps, at the falls of Niagara. This canal would probably be five miles in length. It would leave the Ohio river immediately above Jeffersonville, and would fall into the river again at New Albany; or it might be little more than half that length, and obviate entirely the obstruction at the falls. The perfect work, however, would probably be that which would discharge itself into the river at or near the ship yard at New Albany. He believed that 12½ per pent. above par was a liberal offer for the stock in the Louisville and Portland canal. He did not doubt that the Secretary of the Treasury would be able to purchase it at that price; and he believed that, should the stockholders refuse to sell at that price, Congress would recognise its obligation to remove the obstruction to the navigation at the falls of the Ohio, and immediately appropriating to the object of a free canal on the Indiana side of the river. It was obvious, however, that, in the opinion of the Senate, this cannot be done till the stockholders in the Louisville and Portland canal shall be liberally dealt with. They are recognised, (said Mr. H.,) and very justly, too, as adventurers in a great public work. They have risked large capital, which no others were willing to invest; and it would now be unjust to make a free canal on the other side of the river, rendering their canal valueless, without first offering them conditions just and roasonable, and such as they ought to accept. Another reason, and one of a public nature, why it is desirable to purchase the stock in this canal is, that the people of the Western country will not consent that their commerce shall be taxed from five to ten years longer, while a canal is constructing on the other side of the river.

Mr. H. said that he was happy to discover that the obligation on the part of the Federal Government to improve the navigation of the falls of the Ohio was admitted by the Senate; and he should feel that, if the terms proposed by the amendment, of 12½ per cent. above par, should be offered to the stockholders in the passage of this bill, and be refused by them, the people of the West would then have a guarantee that Congress would immediately provide for constructing a canal on the other side of the river. The interest (said Mr. H.) demanding this at our hands is too great to be neglected any longer.

He had said the other day, when addressing the Senate on this subject, that every Congressional district in the valley of the Mississippi was interested in this bill, and this interest (said Mr. H.) is becoming more obvious and tangible, and more deeply felt every year. The people of the West will require us to do our duty in this matter. They cannot understand how it comes to pass that millions, almost without number, are expending every where on the seaboard, for the aid and protection of commerce and navigation, while the single application for the improvement of commerce and navigation gets the go-by every session. The western people see and feel on this subject, and there is a settled spirit of discontent in relation to it. Western members cannot justify themselves to their constituents in voting these large appropriations for the navy, for fortifications, breakwaters, harbors, piers, and seawalls, every where on the seaboard, while they remain unsuccessful in procuring the smallest appropriations to these objects in the interior. How recently have we voted with Senators from the old States millions to these objects, and there are estimates of the present session looking to the expenditure of eighty or one hundred millions in a few years to come, on the seaboard, upon these objects; and yet this bill, the only

one for the aid of western navigation, asking for a fraction of one million, seems struggling for existence. This is a measure of more importance to western commerce and navigation than any now before the Senate. It is indeed almost the only one before this body, and it is one of deep interest to the entire West, to a portion of country three or four times as large as all the Atlantic States, and furnishing a much larger supply of all the necessaries, and some of the luxuries of life, than all the residue of the Union. The commerce and navigation of the seaboard needs less than formerly the aid and protection of the Government, but it gets more of that aid and protection than ever before. The commerce and navigation of the Western country needs more than formerly the aid and protection of the Federal Government; but at this great point, the falls of the Ohio, and almost every where else, it meets with the same total neglect which it did when the country west of the mountains had scarcely 50,000 inhabitants; indeed, greater neglect, for then that country received the military protection of the Government. Now, not needing so much that protection, it seems to be abandoned to its own energies.

I have said (continued Mr. H.) that the old States and the seaboard, needing less than formerly the aid of the Government, received more of that aid. And what are the facts on which this assertion is based?

We commenced the war of the Revolution with about 3,000,000 inhabitants, without fortifications, without a navy, without ordnance and munitions of war, and we triumphed in that glorious struggle; and now that we have 15,000,000 people, already a powerful navy, and well supplied with all the material of war, in a time of profound peace, when war with any of the civilized nations of the earth is to all appearance at an immeasurable distance from us, it is proposed to expend in the military and naval defences of the country $80,000,000. At the commencement of the Revolution, the Western country could scarcely be said to be settled at all. The print of the white man's foot could be found at a few points only west of the mountains. That country needed not commercial facilities—for it had no commerce—and, with the exception of a few flat-boats, freighted with the hardy pioneers of the West, it had no navigation. The falls of the Ohio, at this time the most important point in the river business between Pittsburg and New Orleans, was then the ultimate point of destination for the most adventurous. Then no appropriations for western commerce and navigation were asked for or granted. Now, with a population of near six millions, and an agricultural production far greater than all the balance of the Union, no appropriation has hitherto been procured at this point, because, in the opinion of some, the constitution stands in the way, and the necessity and importance of the measure seem to have been overlooked by all. He hoped that this state of things would no longer exist.

It had been objected, when this bill was under discussion a few days ago, that it did not specify its own object; that it contained no expression declaratory of its purpose to make the canal ultimately free. One of the amendments which he had prepared, and which he meant first to offer to the Senate, did contain this declaration, and would relieve the bill from all objections of those who feared a different object. This amendment proposed to do away, instead of perpetuate, the objectionable stock-connexion between the Government and a company. Another amendment which, in due time, he would propose, was to strike out the third section of the bill, which authorized the Secretary of the Treasury to vote upon the shares purchased. This section was, perhaps, unnecessary, as the Secretary had, by existing laws, all necessary power on that subject; and it was unnecessary to determine what we would do with this stock until we got it. This we could not know any thing about during the present session; and at the next session it would be time enough to determine what we should do with the canal. These amendments, should they be adopted, would leave the bill entirely free from all constitutional objections which had yet been started, and would give the bill, judging from the kind feelings which seemed to exist towards it, a large vote of the Senate.

Mr. H. then moved to amend the first section of the bill by inserting these words:

"For the purpose of improving the navigation of the Ohio river at the falls, and of rendering the same, as near as may be, free from all tolls."

Mr. NILES made some remarks in opposition to the amendment, on the ground that he was opposed to the Government becoming joint stockholders in private stock companies, and acting under the authority of a charter derived from a State. He was in favor of the improvement of the river, but he had strong objections to the mode in which it was proposed to be done. He suggested that it would be better to obtain first from the State of Kentucky a cession of the territory on which the canal was constructed, and the United States, by this means, having entire jurisdiction over the canal, the constitutional objections to the purchase would not apply.

Mr. WALKER explained that he could now vote for the bill in its present shape, after having voted against it some days ago. Two propositions were now embodied in it; one was to cut loose the United States from this joint stock company, and the other to render the canal toll free. With these modifications, he was prepared to vote for the bill, as it contemplated great public benefits, and the constitutional objections were removed.

The amendment was then agreed to.

Mr. HENDRICKS then moved another amendment, restricting the amount to be paid for the stock to "twelve and a half per cent. above par."

Mr. H., in reply to Mr. NILES, observed that the constitutional objections to the bill were now, by the amendment just adopted, removed. The canal would be made nearly toll free, with the exception only of the necessary expenses; and by the purchase of the whole, or the greater part of the stock, the Government would not be a partner in a joint stock company.

Mr. NAUDAIN then proposed a modification of the second amendment, in order, as he said, to do full justice to the holders of this stock. The stock was sold at least a year ago, for seventeen per cent. advance, and it was not reasonable to suppose that it could be purchased for less now. He therefore moved to amend the amendment, by fixing the maximum to be paid for the stock at eighteen per cent. advance, instead of twelve and a half.

Mr. EWING advocated at some length the purchase of the stock at a fair, reasonable, and practicable price, which, in his opinion, was above the par value.

Mr. PORTER, in the course of his remarks, stated that forty-one steamboats had passed through the canal in a single week.

Mr. DAVIS spoke in high terms of the praiseworthy enterprise, industry, and perseverance of this canal company; of the many obstacles which they had surmounted; the discouragements which they had set at naught, and the risks which they had run during the progress of this work. He thought that it would hardly comport with the honor and dignity of this Government to do less than indemnify the company for the sacrifices which they had made, if not for the great benefits which would ultimately be derived from the canal: neither would that Government consult a wise and upright policy by following the course pointed out in the report

of the committee, and by threats, and the exercise of an overwhelming power, affect injuriously the interests of this corporation. They had supposed themselves accused of a species of robbery; and yet, up to this time, they had not realized more than four per cent. upon the money which they had expended, though without the arbitrary and ungenerous interference of the General Government, in the manner threatened by the committee, the stock in the canal must become exceedingly valuable.

Mr. CLAY also advocated a high, just, and generous policy on the part of the United States; and

Mr. BENTON was anxious that some measures should be adopted to restrain the company from the further exercise of their alleged extortions.

Mr. B. then submitted the following, which he said he intended to offer as an amendment, as soon as the question on the pending amendment was disposed of:

Sec. –. *And be it further enacted*, That so soon as the Secretary of the Treasury shall have completed the purchase of the stock in said canal, the same shall be offered to the State of Kentucky, upon condition that the said State will never impose higher tolls upon the said canal than shall be necessary to defray the expenses of superintending and keeping it in good order; and the President of the United States is hereby authorized to cause the said stock to be transferred to the State of Kentucky, whenever he shall be satisfactorily informed that the Legislature of that State has agreed by law to accept it on the conditions above mentioned.

Mr. CRITTENDEN thought that the market price of the stock would be advanced by fixing the maximum; and that if it were so fixed, fifteen per cent. would be a fairer price than eighteen per cent. He was satisfied that fifteen per cent. was a fair price, and said that if they fixed the maximum at eighteen per cent. they would have to pay that sum.

M. EWING, of Ohio, thought that the 12½ per cent. proposed by the amendment, would not be giving the stockholders more than the amount of their investments. With respect to the amendment suggested by the Senator from Tennessee, and submitted by the Senator from Missouri, he hoped that it would not be passed at this time. He was for divesting the United States of all interest in this stock, as soon as it could be done without the difficulties that he apprehended at the present time. He hoped that it would be postponed till the next winter, when he thought that the proposition of the Senator from Missouri, with proper guards, would meet with the concurrence of all.

The question being taken on Mr. NAUDAIN's amendment to the amendment, it was rejected.

Mr. CRITTENDEN then moved to amend the amendment, by striking out twelve and a half, and inserting sixteen; which was agreed to.

The amendment as amended was then agreed to.

On motion of Mr. HENDRICKS, the third section of the bill was stricken out. [This contains a provision authorizing the Secretary of the Treasury to vote on the stock of the United States.]

Mr. CRITTENDEN moved to strike out the second section, providing that the Secretary of the Treasury should sell out the stock of the United States, should the private stockholders refuse to sell for the price offered.

Mr. HENDRICKS opposed this amendment; after which it was adopted: Ayes 15, noes 11.

Mr. BENTON then offered the amendment suggested by him.

Mr. WALKER hoped his friend from Missouri would not press his amendment. If pressed, this amendment would be adopted or not adopted, and in either case it would present those who voted for the bill, in the attitude of having voted for it after a measure of which they approved had been rejected. He was decidedly in favor of surrendering this stock to the State of Kentucky at the next winter; but, as others might not be so, he feared that taking the question now would seriously embarrass the bill.

Mr. HENDRICKS said that he heartily concurred in the remarks made by the Senator from Mississippi, [Mr. WALKER,] on the subject of the proposed amendment. He hoped that the Senator from Missouri would not press this proposition of transfer now. It would inevitably embarrass the bill, and raise questions of constitutionality and of expediency from which it had wholly been relieved by the amendments just adopted. As the bill now stood, it was free from such questions, and the simple proposition of purchasing the stock was presented to the Senate. The details which might be necessary at a future day, were purposely avoided by the bill, and it would be time enough to regulate these after we got the stock. If this should not be obtained, no regulation of details would be needed. What shall be done with the canal, after we get the stock, (said Mr. H.,) will be an important and difficult question. Shall it be transferred to the State of Kentucky, on the condition proposed by the Senator from Missouri, or any other condition, is a question we are not prepared to decide at the present time. To this there would be serious objections; but he did not wish to see them raised or canvassed now. These subjects, if started now, would probably defeat the bill, which all from the West would very much regret. The commerce of the Western country ought not, in the opinion of many, to be subjected to the control or regulation of any State. He inclined strongly to that opinion himself. The constitution of the United States had put the regulation of commerce, domestic as well as foreign, under the control of the Federal Government; and the constitutional power of Congress to transfer that control to a State, was, to say the least of it, extremely doubtful. Western representatives, he was sure, had not come prepared to decide this question now. It had not been placed heretofore before the people. The proposition of the Senator from Missouri would have that good effect. It would place it before the people. The measure would be canvassed, and we would return next session better prepared to act upon it. Whenever the details of this matter shall be presented, (said Mr. H.,) there is another proposition which will no doubt be presented also. It is that of procuring a transfer of this canal from the State of Kentucky, and of leaving the navigation of the Ohio river, at the falls, where the constitution has left it—in the hands of this Government. The constitution of the United States had made direct and positive provision for such cases. [Here Mr. H. referred to the constitution, which gives Congress power to exercise exclusive legislation over all places purchased by consent of the States, for the erection of forts, magazines, arsenals, or other needful buildings.] Mr. H. contended that, under this clause of the constitution of the United States, and that to regulate commerce with foreign nations and among the several States, Congress had full power to accept the cession of Kentucky, and to exercise exclusive legislation in all cases whatsoever over this position at the falls of the Ohio; and this he believed was what public interest and public sentiment would be found to require, rather than a surrender of the canal to the State of Kentucky.

Mr. BENTON observed that some good effect had already been produced by offering his amendment; for several gentlemen had declared themselves in favor of it. He hoped to see the time when the United States would own no stock in a private company. Having accomplished part of his object in turning public attention to his amendment, he would yield to the wishes of his friend and withdraw it for the present.

Mr. HENDRICKS moved to amend the bill by adding the following words: "and that a sum sufficient to carry into effect the provisions of this act be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated."

This amendment being agreed to, the bill was reported to the Senate as amended, and the amendments being concurred in, it was ordered to be engrossed for a third reading.

INCENDIARY PUBLICATIONS.

On motion of Mr. CALHOUN, the Senate took up the bill to prohibit the circulation, through the mails, of incendiary publications.

Mr. GRUNDY moved to amend the bill by striking out all after the enacting clause, and inserting a substitute.

Mr. CALHOUN moved to amend the amendment by providing that where incendiary publications are sent to the States where such publications are prohibited by law, they shall be delivered to such persons as may be appointed to receive them, and when there are no such persons appointed to receive them, they shall be burnt; or otherwise disposed of, under the regulations of the Post Office Department.

On taking the question, this amendment was lost: Yeas 15, nays 15, as follows:

YEAS—Messrs. Black, Brown, Calhoun, Clay, Cuthbert, Goldsborough, Grundy, Kent, King of Alabama, King of Georgia, Moore, Nicholas, Rives, Walker, White—15.

NAYS—Messrs. Benton, Buchanan, Davis, Hendricks, Hubbard, Morris, Prentiss, Robinson, Shepley, Southard, Swift, Tallmadge, Tomlinson, Webster, Wright—15.

After some remarks from Messrs. MORRIS, CALHOUN, KING of Georgia, and GRUNDY, the question was taken on Mr. GRUNDY'S substitute; and it was agreed to without a division.

The bill was then reported to the Senate; and on the question of concurring with the amendment made in committee, Mr. CALHOUN renewed his motion to amend the amendment that had been rejected in committee. The question on this motion was also rejected: Yeas 15, nays 15, as follows:

YEAS—Messrs. Black, Brown, Calhoun, Clay, Cuthbert, Goldsborough, , Grundy, King of Alabama, King of Georgia, Moore, Nicholas, Preston, Rives, Walker, White—15.

NAYS—Messrs. Buchanan, Davis, Ewing of Ohio, Hendricks, Hubbard, Morris, Niles, Prentiss, Robinson, Shepley, Swift, Tomlinson, Wall, Webster, Wright—15.

The amendment of the committee was then concurred in, and the question on ordering the bill to be engrossed for a third reading was carried: Yeas 18, nays 18, as follows; the Chair voting in the affirmative:

YEAS—Messrs. Black, Brown, Buchanan, Calhoun, Cuthbert, Goldsborough, Grundy, King of Alabama, King of Georgia, Moore, Nicholas, Preston, Rives, Robinson, Tallmadge, Walker, White Wright—18.

Nays—Messrs. Benton, Clay, Davis, Ewing of Illinois, Ewing of Ohio, Hendricks, Hubbard, Kent, Morris, Niles, Prentiss, Ruggles, Shepley, Southard, Swift Tomlinson Wall, Webster—18.

DISTRICT BANKS.

Mr. KENT moved to take up the bill to extend the charters of certain banks in the District of Columbia.

The question being on the third reading,

Mr. BENTON opposed this motion, and moved to lay the bill on the table; which was negatived.

Mr. BENTON moved to postpone the bill, and make it the order for Saturday. Negatived.

Mr. BENTON asked the reading of the report; when,

The Senate adjourned.

FRIDAY, JUNE 3.

GENERAL LAND OFFICE.

A bill to reorganize the General Land Office was taken up for consideration.

Mr. EWING, of Ohio, stated that the provisions of this bill looked to an entirely new organization of the General Land Office. It proposed the appointment of a large number of additional officers; every one of whom he was confident, from what he had seen and heard, was absolutely necessary to discharge the duties of this Department. An immense mass of business had accumulated upon the hands of its officers, which it would take years of industry and perseverance to bring up to the present time. The reason of this was evident. When the office was first established, the amount of business done was but trifling; it now amounted to ten or fifteen millions annually. At that time, too, the sales embraced only large tracts of land, from a half to a quarter section; now the case was different. Various laws, also, particularly the pre-emption laws, had served to swell and increase the business transactions of the General Land Office.

From these considerations, the committee had came to the conclusion that all the force in clerks, &c. proposed to be added, was imperatively necessary. Any member of the Senate who would look into this office, and see the immense amount of labor to be done, would be perfectly satisfied that this conclusion was a just one.

The blanks for the salaries of the officers were filled as follows:

Commissioner of the General Land Office,	$4,000
Recorder,	2,000
Principal clerk of surveys,	2,000
Each of principal clerks,	2,000
One clerk,	1,600
Four clerks, each	1,500
Sixteen clerks, do.	1,400
Twenty clerks, do.	1,200
Five clerks, do.	1,100
Thirty-five clerks, do.	1,000
Two principal draughtsmen, each	1,750
One assistant draughtsman,	1,200
Two messengers, each	700
Three assistant messengers, each	350
Two packers, do.	450

The bill was reported with the amendments, and ordered to be engrossed.

GENERAL RIPLEY.

Mr. HUBBARD asked and obtained leave to introduce a bill to audit and settle the accounts of General Ripley.

On introducing the bill, Mr. HUBBARD addressed the Chair as follows:

Mr. President: A few mornings past I gave notice that I should ask leave to introduce a bill, giving authority to the Secretary of War to audit and settle the accounts of Eleazer W. Ripley with the Government, and to allow him a pension for a severe wound which he received during the last war while in the way of his duty. I have prepared the bill, and before I resume my seat I shall ask leave to present it to the consideration of the Senate. But before I present it, I must be permitted to make a few remarks with reference to the extraordinary services of General Ripley as a military officer, and with reference to the severe, unjust, and unmerited treatment he has received at the hands of his Government while engaged in the employ of his country. And I will here state, that my movement in relation to this matter is wholly unknown to Gen. Ripley. I have not, up to this time, exchanged a word with him upon this subject. Whatever I shall say, or whatever I

may do, will be induced by the respect which I entertain for the high character and honorable services of this distinguished individual. I know well his history. The success, the fame, the prosperity of this early friend could not be a matter of indifference to me. I have, in common with his other New England acquaintances, felt a deep mortification at events which seemed, for a time, to attach to his character a degree of ignominy; but recent developments have wiped away every shade from his moral reputation; and with great individual pleasure and satisfaction do I avail myself of this opportunity to bring foward a measure, the object of which is to render but an act of sheer justice to a highly honorable, but much abused and injured fellow-citizen.

The bill which I have prepared, Mr. President, contains two very distinct provisions. The first is, that the accounts subsisting between General Ripley and his Government shall be audited and settled by the Secretary of War. The second is, that General Ripley shall be placed on the list of invalid pensioners, for the wound received while in public service, and that his pension shall commence at the time the disability was incurred. I have made myself believe, notwithstanding the known usage and the practice of the Department, that every consideration of right and of justice calls upon us to carry into full effect the last provision of the bill. That we have not only precedent upon precedent giving authority for the proceeding, but the case of General Ripley itself is so entirely distinguishable from other cases, that I cannot doubt that, when all the facts shall be known, the Senate will unhesitatingly adopt that provision. With reference to the first provision of the bill, my object has been merely to give authority to the Secretary of War to settle and finally adjust the accounts between General Ripley and the United States. It was a fact well known, that these accounts embraced receipts and disbursements of the public money to a great amount during the last war, and while he was also performing the high and honorable duty of a field officer in the army. No man was more unwilling, more averse, to perform the additional duties of a disbursing agent than General Ripley. He was not calculated for the office. That particular service ill comported with his habits He was uneducated in the school of an accountant; but it was the call of his Government; it was the order of his country, and he promptly obeyed that call; he unhesitatingly submitted to that order; he never shrunk from any duty; he never avoided any responsibility. He did undertake to disburse the hundreds of thousands which were committed to his charge; and at this late day, it is matter of joy to his friends that it has finally been twice found by a jury of his country, that every dollar of the public money received by him, has been faithfully and honestly applied, and that there exists an indebtedness on the part of the Government to him in a large amount. I shall find it necessary before I close my remarks, to advert to this history again. I shall find it necessary so to do in order to show the propriety of carrying into effect the second provision of the bill which I have prepared, viz: to grant him a pension for disability, and to have that pension commence at the date of that disability.

There is a rule of practice prevailing in the Department with reference to the time when pensions shall commence, and that is when the evidence upon an application shall be closed. It will be found, upon an examination, that this practice originated under the act of May, 1820, which provides "that the right any person now has, or may hereafter acquire, to receive a pension, in virtue of any law of the United States, shall be considered to commence at the time of completing his testimony." That act referred exclusively to those annuitants who were, or should be, in the receipt of pensions for revolutionary services; it in fact referred to the pensioners under the act of March, 1818. It was not designed to have, nor in truth could it have, any application to invalid pensioners under the act of the 11th of January, 1812. The claim of the latter class rests upon a totally different principle--a principle which has been recognised from the foundation of our own Government --a principle which has been recognised by every civilized Government in christendom--a principle not only connected with the justice, but having an intimate relation to the honor, of the country; that principle is loss of physical power while in public service; that principle is personal disability; a deprivation of the means of gaining a livelihood occasioned by wounds received in the performance of military duty; and whenever it so happens that any one who is thus engaged shall be deprived of limb, or in any way be disabled, a sense of common humanity, as well as of common justice, would prompt the Government at once to make up for that disability; if not to heal, to pour balm into the wounds of the faithful soldier, by giving him a pension—a reward commensurate with the degree of his disability.

The act of the 11th of January, 1812, provides "that if any officer, non-commissioned officer, musician, or private, shall be disabled by wounds or otherwise, while in the line of his duty in public service, he shall be placed on the list of invalids of the United States, at such rate of pension, and under such regulations, as are or may be directed by law: *Provided, always*, That the compensation to be allowed for such wounds or disabilities to a commissioned officer, shall not exceed, for the highest rate of disability, half the monthly pay of such officer at the time of his being disabled or wounded; and that no officer shall receive more than the half pay of a lieutenant colonel."

It does seem to me that the language of this act is too plain, too precise, to admit of cavil or doubt, and its injunctions are of the most imperative and positive character. It declares that whoever shall be disabled while in the line of his duty in public service, shall be placed on the list of invalids of the United States, at such rate of pension as may be directed by law.

It will not be denied that General Ripley continued in the service long after the battle at the sortie from Fort Erie, adding, year after year, to his fame as a military officer; but in that battle he was severely and dangerously wounded, and by that wound he was disabled. His right, then, to an immediate pension, must depend upon the meaning of the word "disabled," as used in the act. The late Attorney General (Mr. Taney) has given a clear and sensible exposition upon this point; not with reference to this particular case, but one not unlike it. "Does the word disabled," he remarks, "mean that the officer must be disabled from the duties of his station before he can receive a pension? or does it mean any degree of personal debility which renders him less able to provide for his subsistence? The latter interpretation of the word disabled is most consonant with the spirit and objects of the law, and, indeed, it is the only one consistent with that provision of the statute which directs that the pension shall be graduated, so that the compensation to be allowed to a commissioned officer shall not exceed half of the monthly pay of such officer at the time of his being disabled or wounded."

The act provides that the officer disabled shall be placed on the list of invalids at such rate of pension, and under such regulations, as may be directed by law. And it being a provision of the law that the pension shall be graduated according to the nature and degree of his disability, all that was necessary to the grant of an immediate pension to General Ripley was to ascertain the degree of his disability, in order to fix the rate of his pension. This is also a regulation of law. In this par-

ticular case, from the very nature of the wound, although General Ripley continued to discharge the duties of his situation, he was not only exposed to great bodily suffering, but he was also subjected to great additional expense in the performance of his public duties, by rendering the assistance of others necessary to do those offices about his person which, before the injury, he could perform for himself. It was a disability which commenced in 1814, but it increased with the increase of his years. The effects of a premature old age, by reason of his severe sufferings, are now manifest to every observer. He is no longer that active, athletic, and vigorous man which he once was. He has become decrepit, disabled, disfigured. He is no longer full of health and of life; he is enfeebled, worn down; and how has all this happened? The effect will find its cause in the disability which was incurred on the battle-field in September, 1814. It was the wound he then received, the suffering he then endured, the exposure to which he was unavoidably subjected, while in the way of his duty, that has brought all this upon him; and shall it now be said that he was not then disabled, because for many years he continued to perform the accustomed duties of his station? No, sir. It was wise and politic in the Government to retain General Ripley in the service; his presence, his example, his precepts, nerved the arm of the soldier, and gave energy and confidence in the hour of battle.

General Ripley was, Mr. President, seriously disabled by the wound he then received, and his pension ought not to have been withheld on the ground that he continued in the employment of his country; and, as it was not then extended to him, it becomes our duty at this late day to do him justice, by carrying back his pension to the commencement of his disability.

"When is the disabled officer to receive his pension, which the law so emphatically awards to him, if he does not receive it while in service? After he has resigned his commission and become a private citizen? Certainly not; because it must be borne in mind that, by the act of congress just cited, pensions are contingent and graduated, and that the highest rate of pension for the greatest disability cannot exceed half the monthly pay to which the disabled person was entitled at the date of his injury."

The pension of General Ripley should, and it must, if the Government would be consistent with itself, commence on the day when the wound was received--at the time when the disability was incurred. And I am, and ever have been, unable to understand why the commencement of an invalid pension should be controlled by the circumstance of application and proof. Whenever the physical disability takes place, then should the justice of Government be extended.

"The act of January, 1812, was a compact, and cases occurring under it were to be viewed as a compact, and they have no more right to cut off the pension than they would the pay or the lands which they had stipulated to give."

With reference to pensions for individual services in the war of the Revolution, they were specially created by the act of March, 1818, and by the subsequent acts of Congress. The Government had not been able to perform the contract, in letter or in spirit, with the soldiers of the Revolution, and these annuities were granted to the surviving officers and soldiers of that day to make up for the deficiency. All this is the regulation by law. It was competent for Congress, in relation to this matter, to fix the amount as well as the commencement of the annuity. It was a legislative provision to reward for service rendered more than half a century before the adoption of the provision. That was a matter addressing itself to the high sense of the justice of Congress. They were to make such an enactment in relation to this matter as they might think just and proper. They have done it; and the whole matter is now particularly regulated by acts of Congress. This class of pensioners ought to have their pensions commence when they shall bring themselves within the provisions of the existing acts. These pensions may be regarded now in the nature of a debt, which the Government must be presumed to be able and willing to pay whenever the creditor shall make out his claim. But the act of January 11, 1812, declares what shall be done upon the happening of particular events. It says to the officer, Join the service of your country; and, should you be wounded in battle, you shall he compensated according to the disability incurred.

Entirely different, then, is the case of an invalid pensioner; his claim arises under previous acts of Congress, and should commence with the commencement of the disability, for the best of all reasons—it was for that very disability which the legislation of the Government was intended to provide. The grant, then, should go back to the origin of the disability, and should continue while the disability continues. This, I contend, should be the policy and the practice of the Government; any thing short of this would work the most manifest wrong and injustice. If there is any title under the acts of Congress to an invalid pension, it results from the fact of having been disabled while in the actual military service of the country. And would it not be absurd to contend that the commencement of such a pension should be controlled by extraneous circumstances? It seems to me that any such practical construction would be wrong in principle, and in violation of the spirit, if not of the express letter, of the act of January, 1812.

It was under this act "to raise an additional military force, that General Ripley entered the army of the United States. Those who knew him in early life felt a pride that so pure a patriot, and so gallant an officer, had joined the standard of his country in that day of her danger, when the most unhallowed sentiments were avowed, both as to the existing causes, and as to the probable effects of a war with England. It was when dismay had almost chilled the ardor, and broken down the force of popular feeling, that Ripley came forward and united his fate with the fate of his native country. And from the commencement of his public service to the time when he resigned his commission, a period of eight years, it is a fact worthy of all praise that he was never absent from the scene of his duty. A furlough, a temporary relief from the severe hardships of the camp, was a favor which he never sought, and which he never received. I know this man well. We were natives of the same State, and educated at the same institution. His early and unchanging principles, his habits of industry, his known character, his high and honorable feelings, gave the promise of his becoming a bold, a daring, a brave, and a humane officer; a pledge which has been most faithfully redeemed. He was first appointed a lieutenant colonel of the 21st regiment; a regiment which was enlisted by his untiring efforts; a regiment which was second to no other attached to the American army for the bravery of its officers and men during the period of the war. Its commander was rarely absent from the field of battle. He was by the side of Pike when that gallant officer fell at York. He led the advance, consisting of his own regiment, at Chrystler-fields, and repeatedly drove the enemy back with the bayonet. He was, without solicitation on his part, for this particular act of daring courage, advanced to the office of a brigadier general. He was present at the capture of Fort Erie, at the battle of Chippewa, and at Bridgewater, where his brigade stormed the heights; and with Miller, another son of the granite State, at the

head of the 21st, carried the enemy's artillery. At a subsequent time, in September, 1814, at the battle at the sortie from Fort Erie, General Ripley was severely and dangerously wounded by a musket ball passing through his neck, while making a charge upon the reenforcement of the enemy; and thus terminating a siege of fifty-three days of constant cannonading, when every day was a battle. The enemy immediately after raised the siege, and retired to Chippewa. But General Ripley remained in military service, not only to the close of the late war, but to the period of 1820, when he surrendered his commission of brevet major general. Congress, on the 3d of November, 1814, passed a resolution "that the President of the United States be requested to cause a golden medal to be struck, with suitable emblems and devices, and presented to Brigadier General Ripley, in testimony of the high sense entertained by Congress of his gallantry and good conduct in the several conflicts of Chippewa, Niagara, and Erie."

I have, Mr. President, thus very briefly adverted to the gallant services of General Ripley during the last war. I have adverted to the resolution above cited, to show the sense which Congress entertained of those services. This resolution spoke but the common, the general sentiment of the whole country. No officer was more strongly supported by the power of popular feeling for his courage and conduct, during the war, than General Ripley. He was known to be a brave and a fearless man. He was known to be ardently attached to the free institutions of his country. He was believed, while in public service, to be free from public reproach. The war closed, the scene was changed; and the published history of the times exhibited General Ripley as a public defaulter--a debtor to the Government. It was a record which could not fail to produce among his early friends the deepest humiliation and chagrin. They were slow to believe that he could have knowingly converted to his own use that which rightfully belonged to his Government; but such was the declared fact; and his hard and well-earned fame was stained with the false and ignominious brand of being a public defaulter. General Ripley, from the beginning, most resolutely protested against the truth of this charge. His language was, invariably, that the Government was indebted to him; and whenever he should be able to obtain a fair examination and an honest adjustment of his accounts, it would be found that he owed not a dollar to the Government, but that the United States owed to him thousands. We hoped it might be so—that such would turn out to be the facts of the case; and I need not say that the result of the recent trials of the suits commenced by the United States against General Ripley, has proved the truth of his declarations.

The bill, then, Mr. President, which I propose to offer, ought to be passed promptly; it is but an act of justice to General Ripley. I have said, sir, that no man has suffered more wrong, severer treatment, at the hands of his Government than General Ripley: I repeat it, and will attempt to make good my allegation. He was entitled to a pension under the act of 1812, for a disability incurred while in military service in September, 1814. Did he receive it? Was he placed upon the list of invalids, in accordance with the provisions of that act? No, sir. It was withheld, without right, upon the ground that he was continued in the service and was in the receipt of full pay as an officer. The reason is altogether unsatisfactory. The only question is, not how much money he may, by some good fortune, be able annually to earn, but what was the degree of physical disability created by the wound: and the pension should have been awarded immediately according to that degree of disability, in pursuance of the act of 1812. But this was not done; and the pension of General Ripley was unjustly withheld for the reason stated. Well, then, might he complain of this act of injustice on the part of his Government; but he was silent and submissive. In relation to this point, we are not without legislative authority. In July, 1832, Congress passed an act, "authorizing the Secretary of War, upon the application of J. O. Preston, a colonel in the late war, and upon his making proof of his right to be placed upon the invalid pension roll as an officer of the late war, to allow the said Preston the amount which would have been due him had he made his application at the time he received his wound." There never could be a case more directly in point than the one above cited. The individual was a most meritorious officer during the last war; so was General Ripley. Colonel Preston had not formally, in so many figures and words, made application to the proper department for a pension, nor had General Ripley. In all respects the two cases are alike, and should receive like treatment at the hands of the Government.

But another case which I will bring to the notice of the Senate, goes clearly to show that the position that an officer, while in public service, is not entitled to an invalid pension, is wholly untenable. The act for the relief of Thomas Ap C. Jones, grants him arrears of pension to which he was entitled on account of a permanent disability, occasioned by a wound received by him in battle with the enemy during the last war with Great Britain, commencing at the time he received the wound. This act was passed in May, 1834. Captain Jones had long been, and was then, and still is, in the service of the United States, and in the receipt of full pay for that service. This case, then, establishes, and rightfully establishes, the principle, that the invalid pension should commence with the commencement of the disability, and should be commensurate with the degree of disability. Upon principle, then, as well as in accordance with existing precedents, should General Ripley's pension, as an invalid, go back to the time when he was wounded.

I have before stated that General Ripley left the army in 1820, and I have also stated the cause which prevented his being placed upon the pension list. But the time had come when he was to be relieved from the cares, and no longer to be entitled to the profits of office. But with that event comes "the unkindest cut of all." He stands recorded, and is held out to the world, as a defaulter, as a debtor to the Government. A large balance was struck against him at the Treasury office, and from this consideration he was prevented from then being placed on the list of invalids, and drawing his pension. On referring to the appropriation bills from 1821 to 1826, it will be found that in the acts of Congress making appropriations for the military service, which includes appropriations for every class of pensioners, it is in effect provided that no money shall be paid to any person who is in arrears to the United States, until such person shall have accounted for, and paid into the Treasury, all sums for which he may be liable. Such was the law, and such was the practice, at the different Departments. And in January, 1828, Congress passed a general act to prevent defalcations on the part of the disbursing agents of the Government; and that act contained the precise provisions which had been for many years incorporated into the public appropriation bills.

No disbursing military officer ought to be discharged from the public service until his accounts were fully settled. This is a sound and safe principle; but in a total disregard of this principle, the resignation of General Ripley was accepted; and no sooner was it done, when one account was stated at the Treasury Department, whereby it appeared "that the sum of thirteen thousand one hundred and sixty-three dollars and ten

cents, as due by Eleazer W. Ripley, late major general in the army of the United States, was found against him on settlement of his accounts;" and in less than one month thereafter, another account was stated at the Treasury Department whereby it appeared that a further sum of four thousand one hundred and fifty-four dollars and ninety-five cents was found against him, making in all the sum of $17,318 05 as the balance due from General Ripley to the United States. These balances, thus struck, one in April, the other in May, 1821, at the Treasury Department, presented an insurmountable obstacle to his obtaining his long neglected but justly merited claim for an invalid pension. There cannot be well conceived an act of more flagrant injustice, of grosser wrong, than to strike these balances against General Ripley, after he had voluntarily resigned his commission, and then bring up those very balances in judgment against him, whenever he pressed his claim for a pension. It is highly creditable to the Committee on Pensions of the Senate, that they have done away this practice, by bringing forward at this very session a bill, and which has now become the law of the land:

"That the act entitled an 'An act to prevent defalcations on the part of the disbursing agents of the Government, and for other purposes,' approved the twenty-fifth of January, eighteen hundred and twenty-eight, shall not be construed to authorize the pension of any pensioner of the United States to be withheld."

It is not my purpose, standing here as the friend of General Ripley, to allude to the embarrassments and difficulties which attended every movement he made with a view to the adjustment of these accounts at the Treasury Department. I may, however, be permitted to say that no man feels more deeply the positive wrongs which have been inflicted upon him, the gross neglects which have been practised toward him by the Government of his country, than General Ripley. It cannot be otherwise. In November, 1814, Congress passed a highly complimentary resolution in favor of this distinguished officer; but until it was brought to the notice of the Senate, by the chairman of the Committee on Finance, at this very session, that resolution had been permitted to remain unnoticed and unobserved in the archives of the Government. But whatever may have been the feelings of General Ripley, they were the secret working of his own heart. The language of complaint against the justice of his country, for which he so long served, and so freely bled, has never escaped his lips.

But in relation to those pretended Treasury balances, the United States, in September, 1822, commenced two suits against General Ripley in the district court of Louisiana, to enforce their collection. After the suits were consolidated, they were continued from term to term, until May, 1830, when the trial took place. The verdict of the jury was returned for the defendant. They allowed to General Ripley, for his account and for his extra service, - - - $15,060 22
They deduct therefrom the balance due the United States, - - - 11,929 32

Leaving due to General Ripley, $3,130 90

Whereupon the court ordered that the United States take nothing by these petitions. To the proceedings on trial in this case, and to the ruling of the judge, a bill of exceptions was filled by the attorney of the Government, and allowed by the court; and the defendant, in like manner, filed a bill of exceptions to a certain ruling of the court, which went to the exclusion from the consideration of the jury of so much of General Ripley's claim, in offset, as he made for arrearages of pension since 1814. There was one extraordinary fact, to which I refer as worthy of particular notice, and which occurred during the trial, and is now matter of record. So entirely conscious were the jury that General Ripley ought to have been allowed his pension from the commencement of his disability, that "the foreman of the jury, after handing the verdict to the court, stated that it was the unanimous wish of the jury to allow the claim for arrearages of pension, and requested information whether it would be legal to allow it." The court charged them that they could not, and their verdict was made up accordingly.

But with the termination of this trial did not terminate the sufferings of General Ripley, growing out of this prosecution, if it may not well be called persecution, of his Government. A writ of error was sued out, and the case brought before the Supreme Court of the United States. General Ripley could not and did not follow this case to Washington; he had nothing to fear from that quarter; nor had he any apprehensions that any jury of his country could ever be empannelled by any court of trial, to pass between him and his Government, which would return a verdict against him. He had entire confidence in the justice of his case, and he reposed with perfect security in that justice. The cause came before the Supreme Court, and after having been argued by Mr. Taney, the late attorney general for the United States, (no counsel appearing for the defendant,) was finally disposed of at the January term, 1833. In the trial below, General Ripley made claim--first, for certain extra disbursements made by him; and, second, for certain extra services performed by him. The Supreme Court decided, "that if the disbursements made for which compensation is claimed were not such as were ordinarily attached to the duties of the office held by the defendant, the fact should have been so stated, and also that the service was performed under the sanction of the Government, or under such circumstances as rendered the extra labor and responsibility assumed by the defendant in performing it, necessary. Should the accounting officer of the Treasury Department refuse to allow an officer the established compensation which belongs to his station, the claim, having been rejected, should unquestionably be allowed by way of setoff to a demand of the Government, by a court and jury. "And it is equally clear that an equitable allowance should be made in the same manner for extra services performed by an officer, which did not come within the line of his official duty, and which had been performed under the sanction of the Government, or under circumstances of peculiar emergency. In such a case, the compensation should be graduated by the amount paid for like services under similar circumstances. Usage may safely be relied on in such cases, as fixing a just compensation."

"The allowances claimed under the second head for services which did not come within the range of his official duties, should have been performed with the sanction of the Government, or under circumstances above stated."

"The court, in conclusion, remarked that the distinguished services rendered by the defendant during the late war, are advantageously known to the country; but the claims set up in the case under consideration, must be brought within the established rules on the subject, before they can receive judicial sanction; and as, in the opinion of this court, the district court erred, as their instructions to the jury were given without qualification, the judgment must be reversed, and the cause remanded, for proceeding *de novo*. This interesting case is reported in detail in the seventh volume of Peters's Reports.

The abstract made of the proceedings and decisions of the Supreme Court, satisfactorily establishes the positions taken by the defendant on the trial; and the only error committed by the judge below was, in giving un-

qualified instructions to the jury upon the points assumed. That the defendant was entitled to recover for disbursements made by him, not such as were ordinarily attached to the duties of his office, as well as for extraordinary services, admitted of no doubt; and notwithstanding the clear exposition of the principles made by the Supreme Court, which were to govern the district court in the trial of this cause, and notwithstanding those principles were most favorable to the rights of General Ripley, yet this same cause was a second time pressed on for trial by the United States, and the defendant was driven to the necessity of again preparing for trial, and of submitting to all the costs and charges which were thereby imposed upon him. All this was done. In 1833 the cause was remanded for a new trial in the district court of Louisiana, and in two years after, in May, 1835—making thirteen years since the commencement of this prosecution--the cause was tried anew by another jury of his country, and upon the principles laid down by the Supreme Court for the government of the case. Mark again the result—it is detailed in an official letter from the Solicitor of the Treasury to the Second Auditor, which I will read:

"OFFICE OF THE SOLICITOR OF THE TREASURY,
November 25, 1835.

"SIR: From official returns received at this office, in relation to the trial of the two suits directed to be instituted against General E. W. Ripley, late of the United States army, one as late Brevet Major General, exhibiting a balance of $9,449 70, standing against him on the books of the Second Auditor of the Treasury, the other as late Brigadier General, exhibiting a balance of $2,479 62, standing against him on the books of the Third Auditor of the Treasury, it appears that, at the late trial of these suits, they were ordered to be consolidated, and at May term, 1830, of the United States district court, for the eastern district of Louisiana, a verdict was rendered in favor of the defendant.

"On the 15th October, 1830, the district attorney at New Orleans was instructed to take out a writ of error, that the principle involved in the case might be settled in the Supreme Court of the United States.

"At January term, 1833, the judgment of the district court was reversed, and the case remanded to the said district court by the Supreme Court of the United States, with directions to award a *venire facias de novo*.

"In the clerk's report of the district court for May term, 1835, he states that a verdict was rendered in favor of the defendant. In conformity with it, it was ordered by the court, that it be certified that the plaintiffs (the United States) are indebted to the defendant, E. W. Ripley, in the sum of $20,596 12. The account, therefore, against him should be closed.

I am, very respectfully, sir,
Your most obedient servant,
V. MAXCY,
Solicitor of the Treasury.

"To WILLIAM B. LEWIS, Esq.,
Second Auditor."

Thus, at a second trial, under all the delays and disadvantages I have detailed, the verdict of his peers is, that instead of General Ripley being a debtor to the Government, he is its creditor upon the claims exhibited to them, and beyond all the claims of the Government, in the sum of $20,596 12.

Such, Mr. President, is the origin, the progress, and the termination of these two suits commenced against General Ripley, with how much credit or honor to the country I, for one, leave others to say; but I will not hesitate to declare that they originated in error, and have been carried forward in error that the Government in the commencement of these suits against General Ripley inflicted a deep wound upon his moral character, and committed a positive injury upon his credit and standing as a man and as a citizen. Upon the ground of this alleged indebtedness and defalcation, under a cover of a balance thus falsely arrayed against him upon the books of the Treasury, the pension to which he was honorably and honestly entitled from the Government, has been kept from him, and not a dollar has he realized from either the justice or bounty of his country.

Mr. President, I have now said all that I have to say; and, in conclusion, will only add that the Government ought not to take advantage of its own wrong. Such a proceeding would not be tolerated by the most ordinary judicial tribunal in our land, with reference to the common dealings between man and man. The claim set up by the Government against General Ripley, had no foundation in truth or in justice. So say your own courts; and shall the Government take shelter under that false balance as stated, and deny to General Ripley that which would have been most readily granted to him in 1820, had it not been for this very fictitious balance? I cannot, I will not, believe it. General Ripley must inevitably suffer from this long neglect of his Government, for having for so long a period withheld from him his just right. Had he even received in 1820 the pension to which he was entitled, he would have had less cause of complaint; but, in addition to all the other wrongs which he has been obliged to suffer, I hope it may not be his fortune to experience further injustice at the hands of his Government. I hope he will not be obliged to admit that his Government made up a false balance against him, and, by reason of that pretended balance, withheld from him his pension; and when he had wiped away that balance, and satisfied his Government, that there was not at any period since he left the army, any just balance whatever against him, any indebtedness on his part, that his Government would not now extend to him rights which would not have been withheld, if this balance had not thus been stated.

Mr. President, the bill which I have prepared is intended to give authority to one of the highest officers of the Government, to examine and scrutinize these claims, and to audit and settle the whole account. General Ripley asks no exercise of generosity towards himself, by the Government. He only asks justice, and that without further delay. He has but few years to survive the wrongs to which he has been exposed in this matter, as all who know him as I know him, can plainly foresee. But he asks to have the last essential correction applied to these wrongs, while he is yet alive. Sure I am, what he asks, or rather what is asked by me in his behalf, unsolicited by and unknown to himself, will not be deemed unreasonable by any member of this body, who is in the possession of the facts. Mr. President, I ask leave to present the bill; I wish it read, and I hope that there will be no objection to its second reading at this time, nor to its engrossment for a third reading. If objection be made, I shall not oppose, but should ask for its reference to the Committee on Pensions.

When Mr. HUBBARD had concluded, after some remarks from Messrs. PRESTON, TOMLINSON, and HUBBARD,

The bill was read twice, and referred to the Committee on Pensions.

DISTRICT BANKS.

The Senate took up for consideration, as the special order, the bill to extend the charters of certain banks in the District of Columbia.

Mr. BENTON made some remarks in opposition to the bill, contending that the report of the committee recommending the recharter of the banks was not sustained

by the evidence. With regard to two of these banks that had stopped payment, the Patriotic Bank of Washington and the Farmers and Mechanics' Bank of Georgetown, he insisted that they did not make proper exertions to avoid a suspension of specie payments; and that their stoppage, so far from being necessary, had every appearance of having been voluntary. In commenting on the various tables and statements furnished by the committee, he contended that the stoppage of the Farmers and Mechanics' Bank for the insignificant sum of $6,000, was of itself enough to render them unworthy of a recharter. Their stoppage was either compulsory, or it was voluntary. If the latter, it showed an unpardonable want of fidelity to their obligations to the public; and if, on the other hand, they were unable to avoid stopping for the insignificant sum of $6,000, it showed that their resources were too contemptible to render them worthy of credit.

Mr. B., in the course of his remarks, read and commented on the following documents:

HARPER'S FERRY, *May* 16, 1836.

DEAR SIR: Your letter of the 12th instant, I received this morning. Early in April, 1834, we expected to pay off the roll for the month of March. Accordingly, on the 7th of April, I wrote to Colonel J. J. Stull, cashier of the Farmers and Mechanics' Bank, of Georgetown, (the bank through which we were then directed to transact our business,) to send me, as soon as convenient, ten thousand dollars. The Friday following I expected to have commenced paying, but the money was not sent on until the 10th, and not received by me until the Saturday following; consequently, it arrived too late to pay that week. On Sunday following I received the news of the failure of the bank; and on Monday or Tuesday (I am not certain which) I set off for the District. When I reached Georgetown, I had with me thirteen thousand five hundred and sixty-five dollars of the Farmers and Mechanics' Bank paper. I called on the officers of the bank, and was told by them that the amount of their paper I had on hand should be exchanged for current funds, but it could not be done immediately. I deposited their paper, as they requested, in the Bank of the Metropolis, in Washington city, and some time after I received the same amount from the cashier of that bank, in notes of the Bank of the Metropolis. This is a brief, but correct statement of the facts you require.

I enclose you a copy of the letter I received with the ten thousand dollars.

APRIL 13, 1834.

The board met, in pursuance of a call from the President, at his dwelling.

Present: The President, Messrs. Hughes, Bradley, Ingle, Clarke, and Thompson.

The President and Mr. Clarke were appointed a committee to meet committees of the other specie paying banks in the District, to-morrow at 12 o'clock, to decide upon such course as may be necessary in the present deranged state of the commercial affairs of the country. Adjourned to meet at 4 o'clock P. M. to-morrow.

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MONDAY, *April* 14, 1834.

The board met pursuant to adjournment.

Present: The President, Messrs. Smith, Coyle, Blagden, Hand, Hughes, Ingle, P. Bradley, Clarke, Thompson.

The President and Mr. Clarke reported to the board that, as a committee appointed for that purpose yesterday, they had sought and requested an interview with the Farmers' Bank of Alexandria, the Bank of Potomac, the Union Bank of Georgetown, and Bank of the Metropolis, at 12 o'clock this day, for the purpose of taking measures to protect the respective institutions against the present pressure of the times; that they had reason to believe that those banks would meet, but they did not, and, therefore, there is no alternative left but to act for ourselves. Wherefore,

Resolved, At a special meeting of the president and directors of the Patriotic Bank, held this day, for the purpose of taking into consideration the alarming state of the commercial affairs of the District, it was unanimously

Resolved, That, in the opinion of the board, the interest of the bank and its creditors requires that the payment of specie for its obligations ought to be for the present suspended.

Resolved, That, in the opinion of the board, the report made by the committee of investigation in January last, showing that the bank had not only the ability to pay its obligations, but to pay the stockholders upwards of 110 per cent., was a true and correct statement of the affairs of the bank, and that nothing has occurred thus far to render the securities of the bank less safe than at that period.

Resolved, That the creditors of the bank be requested not to sacrifice their claims, as the board feel authorized to assure them their claims will all be paid.

In making known this determination, the board need hardly say, that nothing but the extraordinary juncture of affairs could have brought them to the painful necessity of this recommendation. They earnestly invite all persons to call and satisfy themselves of the condition of the bank, and the exertions of the board to sustain the institution, and that so far as discretion and prudence would authorize, they have personally gone.

W. A. BRADLEY, *President.*
JOHN COYLE,
THOMAS BLAGDEN,
J. W. HAND,
M. ST. C. CLARKE,
NATHAN SMITH,
THOMAS HUGHES,
EDWARD INGLE,
PHINEAS BRADLEY.
P. THOMPSON.

On motion, it was

Resolved, That, in fulfilment of pledges already given, the cash funds of the bank be placed in charge of the president and cashier for the purpose of paying off the balances due to the general depositors; that the remainder be returned to the Bank of the Metropolis in liquidation of the loan made to the bank on the 11th instant, and the balance secured by the transfer of discounted notes.

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Copies of letters from Richard Smith, Cashier of the Branch Bank of the United States, at Washington city, to W. A. Bradley, Esq., President of the Patriotic Bank of Washington.

APRIL 2, 1834.

MY DEAR SIR: In consequence of demands for assistance from others, and the small amount of money at our disposal, the board could not grant you more than $10,000, which sum you can have if it will benefit you. It may be, that in the coming week we shall be able to do more; but of this I am not certain, and would not, therefore, flatter you.

Very truly yours,
RICHARD SMITH, *Cashier.*

W. A. BRADLEY, Esq.,
President Patriotic Bank.

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APRIL 4, 1834.

DEAR SIR: I wish, if you take the discount of $10,000, that you would send in the note to-morrow morning, as

it will be necessary to reduce the balance due from your bank. If you can spare any thing else in addition, I hope you will send it to me to-morrow.

Very truly yours,
RICHARD SMITH, *Cashier.*

WM. A. BRADLEY, Esq.,
President Patriotic Bank.

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OFFICE BANK UNITED STATES,
Washington, April 5, 1834.

DEAR SIR: The post note for $10,000 of your bank, received in your letter of this date, is discounted; and your amount is credited $9,893 33 for the proceeds.

Our board will decide on Tuesday next whether to receive the note of the corporation of Washington as collateral security for the post note.

I am, very truly, your obedient servant,
RICHARD SMITH, *Cashier.*

G. E. DYSON, Esq., *Cashier.*

—

OFFICE BANK UNITED STATES,
Washington, April 7, 1834.

DEAR SIR: The balances against the banks are larger than, under present circumstances, can be permitted. I will therefore thank you to reduce yours by good drafts on the North at short dates, or in notes of this office, as, otherwise, I must draw on you for the amount due.

I am, very respectfully, your obedient servant,
RICHARD SMITH, *Cashier.*

GEORGE E. DYSON, Esq., *Cashier.*

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APRIL 9, 1834.

DEAR SIR: I am anxious to know whether you can comply with the request for the payment of the balance due us, and in what way. Will you be good enough to let me know by the bearer?

Very truly yours,
RICHARD SMITH, *Cashier.*

WM. A. BRADLEY, Esq., *President.*

We have $6,773 74 against you, &c.

—

OFFICE BANK UNITED STATES,
Washington, April 10, 1834.

DEAR SIR: I will thank you to send me by the bearer the securities named by you yesterday.

Very truly yours,
RICHARD SMITH, *Cashier.*

WM. A. BRADLEY, Esq.,
President Patriotic Bank.

—

OFFICE BANK UNITED STATES,
Washington, April 11, 1834.

DEAR SIR: I send, herewith, the notes and checks on your bank, and shall do so every morning; as in the present state of things, balances must not be permitted to accumulate. Whatever you can send me on the North will be acceptable. If we continue to take the notes of your bank, and, indeed, of all banks, they must be redeemed daily.

I am, very respectfully, your obedient servant,
RICHARD SMITH, *Cashier.*

WM. A. BRADLEY, Esq., *President.*

The paper also stated, that on the officers bringing down this money, and demanding payment, it was deposited, by agreement, in the Bank of the Metropolis, where it was shortly paid. After commenting at some length on the report and statements furnished by the committee, Mr. B. said he would oppose the recharter of these banks by all the means known to parliamentary proceedings; and gave notice that he would, at a proper stage of the business, move to recommit the bill with instructions to bring in a bill to wind up the affairs of these banks, and to charter a new bank or banks, with the necessary restrictions, and with small capital, suited to the capacity of the District.

Mr. NILES also addressed the Senate in opposition to the bill.

Mr. KENT said: Mr. President, I wish to make a few remarks in relation to the bill under discussion, before the question upon its passage shall be decided.

That the Senator from Missouri entertained opinions upon the subject of banking peculiar to himself I was aware, and that he would urge them with his usual ability I never doubted; but I was not prepared to hear him denounce institutions *en masse* that so little deserved it as, I believe, the banks within this District do. It is well known to the Senate that all the banks in this District were rechartered in one bill in 1817, and that their charters will expire, and that abruptly, on the 1st day of October next, unless they shall be renewed again during the present session.

The Committee for the District, after the most careful and rigid investigation into the conduct of the banks, and the condition of the currency issued by them, unanimously determined to report the bill before you, with the report and documents that accompanied it, which fully justify the committee in framing such a bill; and if I was surprised at the Senator's denunciations of those banks, I was still more so at his attempting to found his opinions upon what these documents contained. Sir, after the most careful scrutiny into the condition of these institutions, I have no hesitation in stating that they will bear a favorable comparison with any of the banks that can be found in the States.

Let us look at the return made by the Secretary of the Treasury on the 7th of January, 1836; let us see then their condition, and it has been improved since. I will take them in the order in which they are presented in that report. On that day there were in the

	Notes in circulation.	Specie funds.
Mechanics' Bank, Georgetown,	$73,070 00	$65,932 46
Union Bank of Georgetown,	91,970 00	102,571 40
Bank of the Metropolis,	335,009 00	297,304 10
Bank of Washington,	69,993 00	65,366 97
Patriotic Bank of Washington,	129,855 86	150,090 28
Farmers' Bank of Alexandria,	113,242 50	59,907 28
Bank of Potomac, Alexandria,	151,639 54	86,283 98

All I have to ask of the Senate, Mr. President, is, that they will examine carefully the documents I have referred to, and the report made by the committee, and I shall feel no apprehension about what their decision will be; they will come to the same conclusion that the committee have, especially when they recollect that within a few months past the Bank of the United States has closed its branch here.

Let the Senator take the deposite banks, and they cannot make a better exhibit than the Secretary of the Treasury has returned to us of the banks of this District; and I do not mean to disparage the deposite banks, for I believe that they, as well as the banks generally throughout the country, are in a good condition, with some exceptions, and that the deposite banks will be able to pay over to the Government the amount of public money deposited with them in a reasonable time.

Why do I say that the banks generally are in a sound condition? Sir, I found my opinions upon an official document communicated by the Secretary of the Treasury, relating to State banks and banking companies, dated the 5th of January, 1836. In this communication

he informs us that the whole number of banks in the States and Territories was five hundred and fifty-eight, having a capital of two hundred and thirty-one millions two hundred and fifty thousand three hundred and thirty-seven dollars, with a circulation of one hundred and three million six hundred and ninety-two thousand four hundred and ninety-five dollars, sustained by specie in their vaults amounting to forty-three million nine hundred and thirty-seven thousand six hundred and twenty-five dollars. Sir, the amount of specie possessed by the banks in proportion to their circulation was never greater, that I recollect. In 1830, when the condition of the banks and the currency was as sound as it ever had been, and every body satisfied with it, the banks had a circulation of sixty-one million three hundred and twenty-three thousand eight hundred and ninety-eight dollars, sustained by a specie basis of twenty-two million one hundred and fourteen thousand nine hundred and seventeen dollars. Thus, sir, this official exhibit makes the condition of the banks better at this time than they have ever been before; and if the currency is not as good, it proceeds from some other cause than the want of specie to meet their cash liabilities. It may be from a want of confidence, produced by various causes, which I shall not now detain the Senate to enumerate, and which must be obvious to them.

Sir, the banks in the State of Maryland, from their last general returns, are very strong; they were never in a sounder condition; and the public deposites, I presume, could be paid at any moment; and in this District the amount of public money is not greater than the demands of the Government would absorb in the course of the year. The heavy deposites of the public money are elsewhere.

The Senator from Missouri has stated that no exertion was made by the District banks to resist the pressure that existed in April, 1834. The documents before the Senate exhibit conclusive evidence that every effort was made which a sudden and unexpected call admitted of. By referring to the documents before me, I find that one of them, with a capital of about one hundred and twenty-five thousand dollars, paid out in cash and cash means, one hundred and ninety thousand dollars in twenty days preceding the 17th of April; but the Senator complains that one of the officers of those banks invited a meeting of a committee from all the banks, for the purpose of deciding on what was to be done to meet the severe and unexpected pressure with which they were beset. Why, sir, there was nothing novel in this—we have high authority for it.

In New York, where the pressure was very great, and strong apprehensions were entertained that the banks could not resist the pressure, a committee was appointed, consisting of twenty-four individuals of high standing in the city, at the head of which was Albert Gallatin, a host in himself on such an occasion, who, in their report, state that the eighteen banks in the city, from which they had complete returns, were liable, exclusive of what was due to banks out of the city, for $15,500,000, and the aggregate amount of specie in their vaults was $1,652,000. This, the committee state, was all-sufficient in ordinary times. At this time, these eighteen banks have nearly five times that amount of specie.

This committee appealed to the Bank of the United States, and made strong representations for the purpose of obtaining from the bank positive assurances that no diminution, at least of their discounts, or in the purchase of bills of exchange, should take place in the city of New York, and that the bank should also forbear to call for balances due from the city banks; to all of which the Bank of the United States acceded. And this arrangement was wisely backed by an act of the Legislature providing a heavy loan to the banks, and no portion of which was ever accepted.

The forbearance of the Bank of the United States, and the act of the Legislature, restored confidence; credit was reinstated; the business men were relieved; and the relief given to New York, the great centre of commerce and of moneyed transactions in our country, soon extended itself over the United States, and the pressure ceased. It is confidence alone which sustains banks. None of them, that has any circulation, can suddenly meet their engagements should the whole of their debts be demanded at once.

A very little aid to the District banks would have relieved them: a fourth part of what was given to other places by the Secretary of the Treasury, almost without solicitation, would have saved those from the mortification of suspending specie payments that were obliged to do so.

I have stated, Mr. President, that the committee were unanimously of the opinion that the condition of the banks in this District was good; that the currency was as sound as that to be found in any section of the country; and all I ask of the Senate is to examine the documents laid before them, and act towards the people of this District as they would towards their own constituents. The charter of every bank expires on the first Monday in October next, and Congress alone can renew them, and continue to the District its circulating medium. But recently the branch of the United States Bank here has been withdrawn from them, leaving a heavy debt to be collected, which, together with the sudden winding up of all their banks, must overwhelm them.

Mr. KING, of Alabama, defended the report of the committee, and contended that it was fully borne out by the most ample testimony. The committee, he said, had made a strict and laborious investigation, and after a most rigid scrutiny into the affairs of these banks, and collecting a great mass of evidence, they were able unanimously to agree in recommending their recharter. The committee was satisfied of the perfect solvency of these banks, and their ability to comply with their engagements, and that at the time of their stoppage there was a most unprecedented run on them. He must say that he was not altogether satisfied that the Farmers and Mechanics' Bank had made sufficient efforts to avoid stopping, though he acknowledged there was a most unexampled run on them; but with regard to the other banks, there could be no doubt but the most strenuous efforts in their power were made without effect to sustain their credit; the directors even giving their private obligations for this purpose. The committee had instituted the strictest investigations for the purpose of ferreting out any abuses that might exist; and he must say that the books and papers were freely opened to their inspection by the officers of the bank, and that there was nothing but what was satisfactorily explained. With respect to the bill before them, he must say to the Senator from Connecticut, [Mr. NILES,] that it contained every thing he required. The capitals of these banks was to consist of specie, or what was equivalent to specie.

Mr. BENTON submitted a motion, in writing, to lay the bill on the table, to give the Senators an opportunity of examining the statements of the affairs of the banks whose conduct had been investigated, and which were then exhibited in the Senate for the first time.

This motion was lost.

After some further remarks from Messrs. BENTON and KENT,

Mr. WRIGHT moved to lay the bill on the table, to enable him to make a report from the select committee to which had been referred the bill to regulate the pub-

lic deposites; which motion was agreed to, with the understanding that the bill was to be taken up after the report was made.

PUBLIC DEPOSITES.

Mr. WRIGHT, from the select committee to which was referred the bill to regulate the deposites of the public moneys, made a report thereon, accompanied by a new bill, as a substitute for the old bill and amendments.

Mr. W. said, to correct some misapprehensions that might grow out of a paragraph in one of the morning papers, that this bill was the agreement of a majority of the committee, and not of the whole of them, some parts of the bill were agreed on unanimously, but the most important part of it was the report of a majority only.

The bill and amendments were then ordered to be printed.

THE GLOBE NEWSPAPER.

Mr. WEBSTER said he did not often trouble the Senate with any thing personal to himself, but a friend had pointed out to him a paragraph in the Globe of this morning, which was so flagitiously false, and which so directly affected his conduct as the head of an important committee of the Senate, that he thought it due even to the Senate itself to refute the calumny. The paragraph is in these words:

"It is a most remarkable thing that, while the opposition in the Senate every day parade before the public the seven millions in the stock of the Bank of the United States as a part of the surplus in the Treasury, they so contrive it that not a dollar of it can reach the Treasury. Judge White, Mr. Calhoun, Mr. Clay, and Mr. Webster, are ever and anon pointing to the seven millions of bank stock as a fund for distribution, while Mr. Webster, as chairman of the Committee on Finance, holds back for months, from the action of the Senate, the bills passed by the House of Representatives to provide against the notorious conversion by Biddle of the means of the old bank to the purposes of the new."

Now, sir, (said Mr. W.,) the journals show that neither I nor the committeee have held back any thing from the action of the Senate. All bills in any way respecting the late Bank of the United States, which have been referred to the committee, have been reported to the Senate long ago, and are now on the list of orders, to be taken up in their turn. If this libeller had not been willing even to traduce and injure friends, rather than to lose an opportunity of injuring opponents, he would have remembered that a majority of the members of the Committee on Finance are supporters and friends of the administration. I am happy to bear my humble testimony to the diligence and promptitude with which these gentlemen discharge their duties, and every body knows that it is in their power at any time to report any measure they may choose to report, or to call up any business which they may desire to call up.

The bill to which the foregoing paragraph refers, was referred to the committee April 14, and was reported by the committee, without any amendment, April 21, as appears by the Secretary's minutes, endorsed on the bill: "Act repealing the 14th section of the act to incorporate the Bank of the United States. April 14, read twice, and referred to the Committe on Finance. April 21, reported without amendment."

I will only add, sir, that this is not the first time that I have been obliged to take notice of statements in this paper respecting my conduct as chairman of the committee, which were in direct contradiction of the printed journal of our proceedings, and of its own diurnal report of them.

On motion of Mr. KENT, the bill to recharter the District banks was reinstated in its place as the special order.

The Senate then adjourned.

SATURDAY, JUNE 4.

LIBRARY OF COUNT BOURTOULIN.

The resolution authorizing the Joint Library Committee to contract for the purchase of the Library of the late Count Bourtoulin of Florence, was rejected: Ayes 16, noes 17.

At a subsequent period, Mr. CLAY, who voted with the majority, moved a reconsideration of the vote; which was agreed to, and the resolution was laid on the table.

CONVENTION WITH SPAIN.

Mr. CLAY, from the committee of conference appointed on the subject of the bill to carry into effect the convention between the United States and Spain, made a report recommending to the two House so to modify the bill as to appoint one commissioner instead of three commissioners, to execute the duties, and to reduce the time allowed for the performance of the duties from eighteen months to one year.

Mr. CLAY having explained the amendments,

The report of the committee of conference was concurred in.

DISTRICT BANKS.

The bill to extend the charters of certain banks in the District of Columbia, was taken up as the order of the day.

Mr. BENTON addressed the Senate at considerable length in opposition to the bill; after which he moved to recommit the bill, with the following instructions:

To report a bill to wind up the affairs of all the banks now existing in the District of Columbia, and to allow them to use their corporate name and facilities for two years for that purpose.

To report separate bills for the incorporation of —— new banks, with small capitals, adapted to the capacity of the District to sustain specie banks, and strictly limited to the business of the place; the said incorporations to contain, among other provisions, the following principles:

1. The capital to consist of gold and silver, one half of each; stock, stock notes, notes of other banks, and every thing but gold and silver to be excluded from the capital.

2. The banks to pay no bonus, but the stock to be subject to taxation, like any other property in the District. The notes issued by the banks to be subject to taxation, by stamp duties or otherwise.

3. Every stockholder to be liable to the creditors of the bank in his person and property, for the debts of the institution, to the amount of his stock, in the event of the failure of the bank to pay gold and silver; with summary proces for the recovery; and all alienations of stock to avoid this liability, to be void.

4. The banks to issue no notes of less denomination than twenty dollars, and all notes of less denomination than twenty dollars, issued by other banks, to be prohibited from circulation within the District.

5. All the notes and paper currency issued by said banks to be paid in gold and silver; one half of either, at the option of the demander, the other half at the option of the bank.

6. The banks to own no real estate except for their immediate accommodation.

7. To deal in nothing but gold and silver bullion, and in foreign and domestic bills of exchange. The charters

to be forfeited for buying or selling any coin made current by the laws of the United States.

8. The charters to be limited to moderate terms of years, and to expire at different periods from each other.

9. The charters to be alterable, amendable, and repealable, at the will of Congress; and not renewable under any terms whatever.

After some remarks from Messrs. SOUTHARD and WALKER, in favor of the bill, and in opposition to the motion,

Mr. BENTON asked that the question be taken first on the motion to recommit the bill; which was agreed to, and the question was decided in the negative: Yeas 10, nays 28, as follows:

YEAS—Messrs. Benton, Ewing of Illinois, King of Georgia, Niles, Rives, Robinson, Shepley, Wall, White, Wright—10.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker, Webster—28.

Mr. BENTON moved to strike out the name of the Farmers and Mechanics' Bank, of Georgetown; which motion was decided in the negative: Yeas 9, nays 27, as follows:

YEAS—Messrs. Benton, Ewing of Illinois, King of Georgia, Niles, Robinson, Shepley, Wall, White, Wright—9.

NAYS—Messrs. Black, Buchanan, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Moore, Naudain, Nicholas, Prentiss, Preston, Rives, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker, Webster—27.

Mr. BENTON moved to strike out the name of the Commercial Bank of Washington, to be formed by the union of the Bank of Washington and the Patriotic Bank of Washington; which motion was rejected: Yeas 10, nays 27, as follows:

YEAS—Messrs. Benton, Ewing of Illinois, King of Georgia, Niles, Robinson, Ruggles, Shepley, Wall, White, Wright—10.

NAYS—Messrs. Black, Buchanan, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Knight, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker, Webster—27.

Mr. BENTON moved to strike out one of the two descriptions of capital provided for in the bill, included in the words, "and property equivalent to specie;" which motion was rejected: Yeas 11, nays 27, as follows:

YEAS—Messrs. Benton, Black, Ewing of Illinois, King of Georgia, Niles, Robinson, Ruggles, Shepley, Wall, White, Wright—11.

NAYS—Messrs. Buchanan, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Moore, Naudain, Nicholas, Prentiss, Porter, Preston, Rives, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker, Webster—27.

Mr. BENTON moved to strike out the other description of capital described in the words, "funds equivalent to specie;" which motion was also rejected: Yeas 9, nays 28, as follows:

YEAS—Messrs. Benton, Ewing of Illinois, King of Georgia, Niles, Robinson, Shepley, Wall, White, Wright—9.

NAYS—Messrs. Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldborough, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker, Webster—28.

The bill was then ordered to be engrossed for a third reading: Yeas 30, nays 9, as follows:

YEAS—Messrs. Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Southard, Swift, Tallmadge, Tomlinson, Walker, Webster—30.

NAYS—Messrs. Benton, King of Georgia, Niles, Robinson, Ruggles, Shepley, Wall, White, Wright—9.

The Senate then adjourned.

MONDAY, JUNE 6.

PRE-EMPTION CLAIMS.

The bill to extend the time for receiving the proof of certain pre-emption claims under the act of the 19th of June, 1834, was taken up, as in Committee of the Whole.

Mr. EWING, of Ohio, moved that this bill be indefinitely postponed.

Mr. WALKER asked for the yeas and nays; which were ordered.

It was contended that this bill gave an improper encouragement to squatters on the public lands, and that they are too numerous already. On the other side, it was insisted that the settlers on the public lands were a most meritorious class, and deserving of the countenance of the Government. It was stated by Mr. EWING, of Ohio, that the speculators had fallen upon the practice of putting families on lands previous to the surveys, that they might be prepared and qualified to obtain rights of pre-emption; in one case, in Illinois, about forty families were thus disposed of. The Senators who participated in the discussion were, Mr. WALKER, Mr. BLACK, Mr. EWING of Ohio, Mr. PORTER, Mr. MOORE, Mr. CRITTENDEN, Mr. KING of Alabama, and Mr. KING of Georgia.

The question was then taken on the motion of indefinite postponement, and decided as follows:

YEAS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Kent, King of Georgia, Knight, Leigh, Naudain, Prentiss, Preston, Robbins, Swift, Southard, Tomlinson, Webster—18.

NAYS—Messrs. Benton, Black, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hubdard, King of Alabama, Linn, Moore, Morris, Nicholas, Niles, Porter, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, White, Wright—22.

The question being on the amendment reported by the Committee on Private Land Claims,

Mr. CRITTENDEN moved various amendments; which were agreed to.

The bill was further amended, on motion of Mr. KING, of Georgia; by introducing a provision that the act shall not extend to any lands the Indian title to which had not been extinguished on the 1st of January, 1832.

Mr. EWING of Ohio, moved to amend, by adding a proviso that all assignments be void; which was agreed to.

Mr. PORTER moved to amend, by inserting a clause that no witness should be allowed to give evidence in more than one claim; which was agreed to.

The amendment was then agreed to as amended, and the bill, as amended, was reported to the Senate.

The question was then taken on the amendments, and they were concurred in.

The yeas and nays were ordered on the question of engrossment, on motion of Mr. EWING, of Ohio.

The bill was then ordered to be engrossed, and read a third time, the vote being as follows:

YEAS—Messrs. Benton, Black, Buchanan, Ewing of Illinois, Grundy, Hendricks, King of Alabama, Linn, Moore, Nicholas, Niles, Porter, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, Wright—21.

NAYS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Kent, King of Georgia, Knight, Leigh, McKean, Naudain, Prentiss, Southard, Swift, Tomlinson, Wall, Webster—18.

DISTRICT BANKS.

The bill to extend the charters of certain banks in the District of Columbia, came up on its third reading.

Mr. BENTON signified an intention to oppose the bill, but wished the Senate, at this time, to go into the consideration of executive business.

On motion of Mr. GRUNDY, the Senate proceeded to the consideration of executive business; and, after remaining some time with doors closed,

The Senate adjourned.

TUESDAY, JUNE 7.

SALES OF PUBLIC LANDS.

Mr. EWING of Ohio, from the Committee on the Public Lands, reported a bill to change the mode of conducting the sales of the public lands; which was read and ordered to a second reading.

[The bill proposes, for the purpose of preventing combinations, frauds, and violence, at the public land sales, that, on the day of the sale, each individual wishing to purchase, shall hand in a sealed bid for a particular tract or tracts, which bid shall be numbered immediately by the Register and Receiver, and the number handed back to him, designating the tract bid for; and that after the close of the sales, the land officers shall proceed to scrutinize the bids so given; after which the bids received shall be called out by number, so that each successful bidder will know by his number the tract he has purchased; no other individual at the sale having any knowledge whatever on the subject, unless informed by him. The bill also imposes a penalty on any officer or clerk of the land offices who shall divulge the names of the successful bidders.]

CHOCTAW RESERVATIONS.

The Senate proceeded to consider, as in Committee of the Whole, the bill to extend the time for proving and establishing certain pre-emption claims suspended by the contingent location of certain alleged Choctaw reservations.

[This bill, as introduced on leave by Mr. WALKER, contained a single section, and provided that any person entitled to pre-emption, but prevented from establishing his claim in consequence of the opposition of a Choctaw location, set up under the treaty of Dancing Rabbit creek, shall be authorized to establish his claims by proof at any period not exceeding six months, and shall be placed on the same footing as if proved and established under the act of 1834.]

The Committee on Private Land Claims amended this bill by inserting a provision that the contingent locations of the Choctaws which come in conflict with the claimant, must be reservations "which have been since disallowed, and ordered to be sold." Also, by adding a second section, enacting that where any such claimant so entitled has been deprived, by the location of any Indian reservation, of his pre-emption right to a tract, he shall be permitted "to locate elsewhere within the same district, 160 acres at the minimum price."

The amendment of the committee was agreed to, and the bill having been reported as amended, the amendment was concurred in by the Senate.

Mr. EWING, of Ohio, called for the yeas and nays on the engrossment of this bill.

Mr. EWING, of Ohio, Mr. BLACK, Mr. WALKER, Mr. CRITTENDEN, and Mr. KING, of Geo., discussed the merits of the bill.

Mr. KING, of Geo., moved to strike out the first section of the bill, being the whole of the original bill, and called for the yeas and nays; which were ordered.

The question was then taken on the motion, and decided as follows:

YEAS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Kent, King of Georgia, Knight, McKean, Mangum, Morris, Naudain, Prentiss, Robbins, Ruggles, Shepley, Southard, Swift, Tomlinson, Wall, Webster—22.

NAYS—Messrs. Benton, Black, Buchanan, Ewing of Illinois, Grundy, Hendricks, Hubbard, King of Alabama, Moore, Nicholas, Robinson, Tallmadge, Tipton, Walker, White, Wright—16.

The question was then about to be taken on the bill as amended; when,

After some observations from Mr. EWING of Ohio, Mr. KING of Alabama, Mr. KING of Georgia, Mr. BLACK, Mr. CRITTENDEN, Mr. BUCHANAN, Mr. MOORE and Mr. WHITE,

On motion of Mr. BLACK, the bill was laid on the table.

DISTRICT BANKS.

The bill to extend the charters of certain banks in the District of Columbia, was taken up; and the question being on the passage of the bill,

Mr. WRIGHT spoke against the passage of the bill.

Mr. KNIGHT made a few remarks in reply.

Mr. NILES also spoke in favor of the bill.

Mr. BENTON rose to oppose the passage of the bill, notwithstanding it was at the third reading, and that it was not usual to continue opposition, which seemed to be useless, at that late stage. But there were occasions when he never took such things into calculation, and when he continued to resist pernicious measures, regardless of common usages, as long as the forms of parliamentary proceeding would allow him to go on. Thus he had acted at the passing of the United States Bank charter in 1832; thus he did at the passing of the resolution against President Jackson in 1834; and thus he did at the passing of the famous land bill at the present session. He had continued to speak against all these measures long after speaking seemed to be of any avail; and, far from regretting, he had reason to rejoice at the course that he had pursued. The event proved him to be right; for, all these measures, though floated through this chamber upon the swelling wave of a resistless and impatient majority, had quickly run their brief career. Their day of triumph had been short. The bank charter perished at the first general election; the condemnatory resolution was received by the continent in a tempest of execration; and the land bill, that last hope of expiring party, has dropped an abortion from the Senate. It is dead even here, in this chamber, where it originated—where it was once so omnipotent that, to speak against it, was deemed by some to be an idle consumption of time, and, by others, to be an unparliamentary demonstration against the ascertained will of the House. Yet that land bill is finished. That brief candle is out. The Senate has revoked that bill; has re-

tracted—recanted—and sung its palinode over that unfortunate conception. It has sent out a committee—an extraordinary committee of nine—to devise some other scheme for dividing that same money which the land bill divides! and, in doing so, the Senate has authentically declared a change of opinion, and a revocation of its sentiments in favor of that bill. Thus it has happened, in recent and signal cases, that, by continuing the contest after the battle seemed to be lost, the battle was in fact gained; and so it may be again. These charters may yet be defeated; and whether they will be or not, is nothing to me. I believe them to be wrong—greatly, immeasurably wrong! and shall continue to oppose them without regard to calculations, or consequences, until the rules of parliamentary proceeding shall put an end to the contest.

Mr. B. said he had moved for a select committee at the commencement of the session to examine into the condition of these banks, and he had done so with no other object than to endeavor to provide some checks and guards for the security of the country against the abuses and excesses of the paper system. The select committee had not been raised. The standing Committee on the District of Columbia had been charged with the subject; and seeing that they had made a report adverse to his opinions, and brought in a bill which he could not sanction, it would be his part to act upon the meager materials which had been placed before the Senate, and endeavor to accomplish, as a member of the body, what could have been attempted, with better prospects of success, as a member of a committee which had had the management of the subject.

The committee have reported for six banks in one bill, all of them existing institutions, and some of them having twice had charters before. In fact, there are seven banks to be rechartered, but reduced to six by the consolidation of two into one. The leading provisions of the bill are, 1. *Capital*, amounting to $2,250,000. 2. *Duration*, till the year 1850. 3. *Nature of capital;* specie—funds equivalent to specie—and property equivalent to specie; the proportions of each not fixed. 4. *Circulation*, equal to the capital. 5. A future provision against small notes. 6. The charters subject to amendment by Congress. 7. No bonus, or any reduction of interest, or taxation on capital, or circulation in lieu of it. These are the leading provisions; and against banks so constituted, and so rechartered, Mr. B. said he felt numerous and insuperable objections, which he would proceed to state to the Senate with the brevity and precision, if not with the perspicuity and force, which the occasion required. And he would premise, that he considered the legislation of Congress, on this subject, as not confined to the District of Columbia; but calculated to affect, by its example, the banking system, for good or for evil, throughout the whole Union.

Mr. B. objected to the bill because, in the first place, it contained a batch or litter of banks, no less than seven, all pigging together, if he might use the expression of Edmund Burke, in one truckle bed. He was opposed to combining banks in their births; they combined with sufficient rapidity of themselves after they were born. Every bank in its creation should rest upon its own merits, and not upon association. When several were put together, the friends of each naturally stood together, and might make up a majority for the whole out of minorities for each. In this case, four Senators for each bank will recharter the whole. There might be no combinations in this case; there might be no covenants for mutual support; there might be no alliances; but the principle was objectionable, and an example so pernicious ought not to be set by Congress. A union of interests is unsafe in all legislation. It is avoided everywhere. We avoid it in all our laws; in bills for the relief of individuals; in bills for pensioners and for local objects. Above all, it should be avoided in the creation, and still more in the continuation, of banks. They are moneyed powers, seeking privileges at the expense of the community. They are corporations, in the hands of managers, and can readily unite their means, and combine their strength, to perpetuate their existences. It is not a case in which the rods should be tied together—in which the sticks should be made into a bundle—that the union of all might give strength to each, which, separately, it does not possess. Each bank should stand alone in the acquisition of its charter. Surely they can be passed fast enough, one at a time, and a few at a session. It is not a case in which it is advisable to promote double births and even litters; far better for the Senate to imitate, in the creation of these corporations, the slow and parsimonious gestation of the elephant, than to emulate the rapid and prolific fecundity of the rabbit. Even in New York, that State so much reproached for the multiplication of banks, they still produce them at single births.

Mr. B. objected, in the next place, to these charters, because they were renewals; they were all renewals, and some of them for a third time. This was adding perpetuity to monopoly. It was perpetuating a privilege. It was bad enough to grant exclusive privileges in the first instance; it was far worse to renew and perpetuate them. It was perpetuating privileges in the hands of a few; in the hands of a little family circle, or in a little knot, or nest of men, who, having got possession of a bank, concentrate all its power and all its benefits in the hands of some half dozen or dozen individuals, to the exclusion and prejudice of the existing community, and of the whole rising generation. He was against renewals of charters. It was not only wrong to perpetuate them, but right to wind them up, and see whether they were able to wind up. There was no way to ascertain their condition but to wind them up. The exhibition of their books and papers was nothing. The worst banks often make the best exhibitions. Finally, if banks were beneficial institutions, they ought to be diffused; they ought to change hands; they should be subjected to the law of rotation. If bad, they ought to be restrained and checked.

A third objection taken by Mr. B. to what he called this oven-full of banks, was, that part of the batch was spoilt; three of them were broken; three of them had stopped payment—had stopped during the panic of 1834—and when there was no necessity for a good bank to stop, as was proved by the fact that out of 750 banks in the United States none but these three, and one more in Baltimore, closed their doors. The three to which this objection applied were, the Farmers and Mechanics' Bank of Georgetown, the Bank of Washington, and the Patriotic Bank of Washington. Without the slightest reference to the question whether these stoppages were the result of good or bad intentions, Mr. B. held it to be sufficient that, in point of fact, they did stop when no others, but one, in the country stopped: a defect of some sort was thereby established to be in them; and surely the country was not so bad off for banks as to be without the means of getting any unless they take these defective ones! Banks which stop in this way prove that the fault is in themselves; that the cause of failure is not general, but particular; is not in the country, but in themselves. There is a presumption against them, and they should be set aside; there is a flaw in them, and they should be examined by themselves; there is a leprous spot upon them, and they should be separated from the rest. This single cause, then, without reference to good or bad intentions, without reference to necessity or wilfulness in the failure, should be sufficient to prevent the renewals of the charters to

these three banks, and, by consequence, to prevent the renewal of all that are in the same bill with them. A lesson of public justice should be taught, that a few banks which have failed when others did not, are no longer entitled to public favor; that they are no longer upon a footing with other banks, and must not only go down themselves, but carry down those which embark in the same vessel with them. Not only justice upon the past, but security for the future, requires this discrimination. A bank should see that, to fail, when others generally do not, is to die; and the fear of this would stimulate it to the greatest exertions to avoid a stoppage.

This should be the fate of banks stopping payment when others do not, without regard to the cause of the stoppage; but in the case of the three banks referred to, there are special reasons for placing them under the ban of legislation. They stopped at a time, and under circumstances, to forfeit the confidence of the country, and certainly to lose all title to the favor of the democracy of the Union. Materials would be forthcoming—and here Mr. B. alluded to the labors of the select committee of the House of Representatives on the banks of the District—materials would be forthcoming, he undertook to say, before these charters had made their way through all the forms of legislation, which would enable gentlemen to speak with precision, and to form opinions from authentic data in hand. The extreme meagerness of the report of the Senate's committee, was a deficiency to be regretted; but the select committee of the House might supply what was wanting, and the inference was strong in favor of the fulness of their report from what is well understood, namely, that that committee has arrived at conclusions directly the reverse of those which have been presented by the Senate's committee. He would limit himself, then, to saying, that these banks stopped payment during the panic session of Congress in 1834, and resumed payment shortly after the Congress adjourned; that there were reasons for believing, and of this he had shown some evidence when he spoke some days before, that they stopped voluntarily, and in conformity with the predictions daily made in the two Houses of Congress, and resumed again voluntarily when they found that other banks would not obey the predictions, and after the laboring part of the community had been fleeced of the notes which they held, and some uninitiated stockholders had been fleeced of their stock. He presumed there would be materials for forming a judgment upon all these points before the two Houses of Congress were done with the subject; and that the delinquent institutions could not be saved by the expedient of putting them into the same bill with the deposite bank of the District. He, for one, could not be coerced by that conjunction. The administration can do better without a deposite bank, than with it, in this District. The Treasurer can be treasurer here, and can keep gold and pay it out, and give checks on any part of the United States to those who do not choose to receive their money here. At the most, it would only want a bank of discount and deposite, not of circulation.

Pursuing his objections, and dealing, more than he would wish, in general statements, for want of fulness and precision in the committee's report, Mr. B. arrived at what he conceived to be the actual condition of these banks—the whole seven taken together, as they came together, and had evinced a determination to live and die together. Taken in the lump, and he presumed it might be said that, since they were all rechartered in 1821, they had gone sadly and rapidly down the road to ruin; that they had wasted and sunk about one half of their capital, and had locked up in permanent loans to friends, in real estate, in stocks, in mortgages, in debts sued for, and in accommodations to non-residents, nearly the whole amount of the remaining half; so that a mere modicum, a fragment of the half of the capital now supposed to be remaining, would alone remain disposable and available as active capital for the use of the community. To charter banks for two millions and a quarter, thus reduced and cramped, thus fettered and clogged, thus pre-occupied and pre-engaged, thus whittled away to nothing, was, not to create public institutions, but merely to perpetuate old monopolies and inveterate abuses in the hands of half a dozen knots and clusters of individuals.

Mr. B. objected to the material of which the capital of these banks might consist. In five of them it was to be composed of specie, and funds equivalent to specie; and in the new one proposed to be constituted out of the two old ones, the capital was to consist of specie, and of specie funds, and of property equivalent to specie; the proportion of either not fixed. He repudiated all idea of this composition of capital, even if the proportions of specie, paper, and property had been fixed. But it was not; and the terms of the charter might be satisfied by putting up a five cent piece in silver, and the rest in stocks, or stock notes, or notes of other banks, or bills of exchange, real or fictitious, or in any kind of real or personal estate which the laws of the District recognised to be property. Certainly slaves were the best property in the District; they were most easily exchanged for money; and as the report of the committee acknowledged the necessity of giving solid foundations to their litter of banks, and limited the property part of the capital to that kind of property which was "altogether" equivalent to specie, the inference might be drawn that slaves were intended. He would not, however, draw that inference. It was sufficient that the charter allowed property and paper to constitute a part of the capital; this was a fatal concession, in his view, and he would have no act nor part in the creation of institutions so to be constituted.

Mr. B. objected to the amount of capital to be granted to these banks, upon the ground that the District of Columbia was unable to raise two millions and a quarter of dollars to sustain them. This, he said, was confessed in the bill; for it was evidently on the known inability of the District to raise the amount in gold and silver, that paper and property were to be received as capital. But it needed not the confession of the bill to establish the fact. Our own tables were loaded, our own ears were filled, our recent legislation was pregnant with the proof. What have we been petitioned to do for the last twelve years? First, to allow the District to borrow money in Europe! What next? Why, to pay the interest on that loan! And what next? Why, to pay the principal also! And we have done it! Paid both principal and interest on the loan which we authorized, and that under the loud and incessant cry of insolvency! under the reiterated, solemn, and persevering declaration, that they could pay neither principal nor interest, and must be sold to the Dutch if Congress did not assume their debt! Under these moving appeals Congress has interposed, and becomes paymaster for the Holland debt, both principal and interest, and scarcely is this done, before these same cities want charters for banks—for two millions and a quarter of banks—and authority to issue currency, and to infest the land with two millions and a quarter of bank notes!

Mr. B. took a higher ground of objection to the amount of the proposed capital of these banks; and that was, that the District could not use it if it had it. They could lend it, he would admit; but he denied that the borrowers could use it. They could not use or employ two millions and a quarter of loans and currency, and that of itself, without looking to the supply of currency which they daily receive from the Government expendi-

tures, and from the influx of visiters. This was not matter of assertion and guess, but of calculation and science. The amount of currency employable in any community was a matter of business, and not of legislation. It was governed by the laws of trade, and not by the laws of legislative bodies. It depended upon principles, and not upon arbitrary regulations; and it was in vain to give a community more currency than could be employed in their current business. The excess would go off; and if it was a mixed currency, the gold would go first, the silver next: bank notes only would remain. This was the immutable law of currency; and there were ascertained principles in the science of political economy, which would enable any informed man to arrive at practical results, and to say, with sufficient precision, what amount of currency any community could use, and ought to possess. There are data by which to calculate this amount. One of these data is found in the total amount of the annual payments of the community; for it is known that the tenth part of the amount of the annual payments is sufficient for the amount of currency. Another of these data is found in the amount of population, and the extent and activity of their business; fourteen and fifteen dollars per head being found sufficient in England and in France, and four dollars per head being sufficient in Russia. Try the District of Columbia by either of these criterions, and the improvidence of these charters for two and one-quarter millions of currency will strike every imagination. First, its annual payments. They cannot amount to ten times the amount of these charters! much less to ten times that amount, with the amount put into circulation here by the Government, and by visiters into the bargain! Next, try it by the population. The census of the District gives forty thousand souls, slaves inclusive. This, upon the basis of the French and English supply, would require about six hundred thousand dollars; but the District of Columbia had not the commerce, manufactures, and agriculture of France and England, and could not employ as much currency. Four hundred thousand dollars would imply annual payments to the amount of four millions; and that by the population of the District is certainly beyond the amount of the payments made in these ten miles square, exclusively of the Government, and those who receive their supply of money from the Government. Be this as it may, assume it at what you please, and there is no need for banks of circulation here. The Government pays out above a million annually, and is now paying that in gold and silver; visiters are supposed to pay out near half a million more; so that here is nearly three times as much currency annually furnished to the District as it can use or employ; and hence results that there is not the slightest pretext for an increase from domestic banks. The District needs no banks of circulation! Banks of discount and deposite, to make loans, keep money, transfer credits, and deal in exchanges, with a law to exclude from the District bank notes of less than twenty dollars issued elsewhere, are wanted; but no banks to issue paper money are wanted. The District needs no such banks; and as for the Federal Government, it needs none here of any kind. The Treasurer ought to keep and pay out the public money here. Public money, at this place, should not be a fund for making loans.

Mr. B. said he had wished to have been on a select committee for the charter of these banks; he wished to have revived the idea of a bank without circulation, and to have disconnected the Government from the banking of the District. He had failed in his attempt to raise such a committee; and, as an individual member of the Senate, he could now do no more than mention in debate the ideas which he would have wished to have ripened into legislation through the instrumentality of a committee.

Mr. B. said he had demonstrated that no bank of circulation ought to be authorized in this District; and, he would add, that none to furnish currency, except of large notes, ought to be authorized any where; yet what are we doing? We are breeding six little corporations at a birth, to issue $2,250,000 of paper currency; and on what terms? No bonus; no tax on the capital; none on the circulation; no reduction of interest in lieu of bonus or tax; no specie but what the stockholders please to put in; and no liability on the part of the stockholders for a failure of these corporations to redeem their notes and pay their debts. This is what we are doing; and now let us see what burdens and taxes these six corporations will impose upon the business part of the community—the productive classes among which they are to be perpetuated. First, there is the support of these six corporation governments; for every bank must have a government, like a State or kingdom; and the persons who administer these corporation governments must be paid, and paid by the people, and that according to the rates fixed by themselves, and not by the people. Each of these six banks must have its president, cashier, clerks, and messengers; its notary public to protest notes; and its attorney to bring suits. The aggregate salaries, fees, and perquisites, of all these officers of the six banks will be the first tax on the people. Next comes the profits to the stockholders. The nett profits of banks are usually eight to ten per cent. at present; the gross profits are several per cent. more; and the gross profits are what the people pay. Assuming the gross profits to be twelve per cent., and the annual levy upon the commuuity will be about $270,000. The third loss to the community will be on the fluctuations of prices of labor and property, and the rise and fall of stocks, from the expansions and contractions of currency, produced by making money plenty or scarce, as it suits the interest of the bank managers. This item cannot be calculated, and depends entirely upon the moderation and consciences of the Neptunes who preside over the flux and reflux of the paper ocean, and to whom all tides, whether of ebb or flow, and all conditions of the sea, whether of calm or storm, are equally welcome, equally auspicious, and equally productive. Then come three other heads of loss to the community and profit to the bank: loss of notes from wear and tear, counterfeits imposed upon the people for good notes, and good notes rejected by the banks for counterfeits; and then the loss to the holders from the stoppage and failure of banks, and the shaving in of notes and stocks. Such are the burdens and taxes to be imposed upon the people to give them a paper currency, when, if the paper currency were kept away, and only large notes used, as in France, they would have a gold and silver currency without paying a tax to any body for it, and without being subject to any of the frightful evils resulting from the paper system. On this point, Mr. B. wished to have the benefit of authority superadded to the weight of reason; he wished to have the voice of others added to his own; and for that purpose he would have recourse to the pages of our early history, and quote the opinions of those who made head against the paper system at its first introduction into our country, and whose predictions then have long since been converted into history. He spoke of the wise men who opposed the establishment of the Bank of the United States in 1791, and would use the summary of their argument on this head as he found it collected and imbodied in the Life of Washington, by the late Chief Justice Marshall. He read from vol. 4, page 346:

"The banishment of coin would be completed by ten millions of paper money in the form of bank bills, which were then issuing into circulation. Nor would this be the only mischief resulting from the institution of the

bank. The ten or twelve per cent. annual profit paid to the lenders of this paper medium would be taken out of the pockets of the people, who would have had, without interest, the coin it was banishing."

Mr. B. wished that this brief paragraph could reach the eyes and the ears of every citizen of the United States. He wished it was printed in letters of gold, and framed, and hung up in every citizen's house. More than that: he wised it was planted in the heart, and engraven on the memory, of every voter and of every law-maker in the Union. The single view that is here presented, independent of all other evils of a paper currency, the single view of paper money expelling hard money, and then costing the people ten or twelve per cent. per annum, while hard money would have cost them nothing, would certainly open the eyes of all disinterested persons, and induce them to unite with one voice to limit and restrict a currency unknown to the constitution, injurious in so many ways, and crowning its evils by banishing specie, and taxing the community to support itself.

Mr. B. said that he was thoroughly opposed to the banking system, especially as carried on in the United States, where every bank was an issuer of paper currency. But the evil had become too large; banks of circulation were too firmly fixed upon the people; "they were too securely seated in the saddle, booted and spurred," to be successfully met at present by direct opposition. Palliatives, ameliorations, restrictions, limitations, safe-guards, something to lighten the burden and to lessen the danger to the people, and to check the onward march of the paper power, was all that could now be attempted; and in that view he had offered some amendments to the bill when it was first under consideration, and would state them again, and offer some reasons in their favor, in the hope that they might yet find favor before the bill was finally disposed of.

Mr. B. then read his proposed amendments, modified in the two particulars suggested by the Senator from New York, [Mr. WRIGHT,] and contained in his motion to recommit the bill with instructions:

"To report a bill to wind up the affairs of all the banks now existing in the District of Columbia, and to allow them to use their corporate name and faculties for two years for that purpose:

"To report separate bills for the incorporation of ——— new banks, with small capitals, adapted to the capacity of the District to sustain specie banks, and strictly limited to the business of the place; the said corporations to contain, among other provisions, the following principles:

"1. The capital to consist of gold and silver, one half of each; stock, stock notes, notes of other banks, and every thing but gold and silver, to be excluded from the capital.

"2. The banks to pay no bonus; but the stock to be subject to taxation, like any other property in the District. The notes issued by the banks to be subject to taxation.

"3. Every stockholder to be liable to the creditors of the bank, for the debts of the institution, to the amount of his stock, in the event of the failure of the bank to pay gold and silver; with summary process for the recovery; and all alienations of stock to avoid this liability, to be void.

"4. The banks to issue no notes of less denomination than twenty dollars; and all notes of less denomination than twenty dollars, issued by other banks, to be prohibited from circulation within the District.

"5. All the notes and paper currency issued by said banks to be paid in gold and silver; one half of either at the option of the demander, the other half at the option of the bank.

"6. The banks to own no real estate, except for their immediate accommodation.

"7. To deal in nothing but gold and silver bullion, and in foreign and domestic bills of exchange. The charters to be forfeited for selling any coin made current by the laws of the United States.

"8. The charters to be limited to moderate terms of years, and to expire at different periods from each other.

"9. The charters to be alterable, amenadable, and repealable, at the will of Congress, and not renewable under any terms whatever."

Mr. B. gave his reasons for proposing each of those ameliorations; and, first, as to the improvement in forming the capital of the banks. This was a point at which all banks, old and new, needed attention. Three hundred millions of banking capital within the United States were reported to be paid in, and this payment could only be made in specie, or in what is called "specie funds." At the same time it is well known that the whole amount of specie in the United States is between sixty and seventy millions of dollars, and that the banks have not got the half of this in their vaults. It results then that if the banks possessed every hard dollar that there is in the United States, it would not form more than one fifth part of the capitals paid in; so that the other four fifths must consist of what is called "specie funds." This is a most indefinite phrase, having no fixed meaning, or any limitation upon the extent of its comprehensive grasp; it is generally, however, conceded to comprehend all the varieties of stocks, fancy inclusive, which can be sold in the market for money; all the notes of all the banks which, for the time being, pay specie; the stock notes of all the stockholders; the notes of the bank itself, after the first instalment, which can be lent to the stokholders on stock notes, and paid in for capital; all bills of exchange, real or fictitious, which are drawn in legal form, so as to present the names of drawers, payers, and endorsers; and, finally, all sorts of paper securities which it is assumed can be sold for specie. Out of such "specie funds" as these, it may be conjectured that near four fifths of the capitals of the banks in the United States must be now composed; and, consequently, that the banking system of the United States is resting upon paper foundations, and that there is not specie enough in the whole Union by five to one to convert these paper foundations into gold and silver foundations! And these banks issue nearly all the currency which the people, the State Governments, and the Federal Government use! Such is the state of the currency under a constitution which recognises nothing but gold and silver for currency, and one of whose main objects was to save the people from the curse of paper money. To correct, in some degree, this enormous and alarming evil, to provide at least a specie basis for the banks which Congress creates at the seat of Government, Mr. B. was in favor of limiting the capital to gold and silver, and that in equal proportion of each, in order to ensure a gold currency, as well as a silver currency to the people. The advantages to the country would be great from this improvement in the formation of bank capital. It would limit the number of the banks, keep their capitals within some bounds, make their foundations more solid, prevent them banking on each other, and make gold, as well as silver, a part of the capital of every bank.

The next improvement which Mr. B. proposed was the taxation of the capital, and also of the circulation of the bank, in lieu of the composition usually given under the name of bonus. Such compositions were always a deception and illusion; for no bank would give a bonus except to get it back, with a profit upon it; and, therefore, the larger the bonus the larger the profits of

the bank, and the burdens of the people. In the charters now proposed, the bonus is dropped, which would be right if any thing was substituted, but nothing is substituted for it! and thereby, the great privileges and advantages which these charters vest in the corporators are a mere gift and gratuity, freely bestowed by the munificence, or improvidence, of Congress, and that upon individuals who had already enjoyed these privileges for twenty and thirty years. That bank capital should pay taxes like any other property, is a proposition too self-evidently just to admit of argument. Bank capital is more able to pay taxes than any other kind of property, because it is a moneyed property, and produces money, and that more readily and largely than any other kind of property. The compositions made by banks in the form of bonuses, is the acknowledgment of their obligation to pay a tax; but it is unjust to the community to exempt these corporations from taxes in exchange for an inadequate and illusory bonus, which is always got back with usurious interest. Every State should tax its bank capital, not by composition before hand, but by annual levy; in many States the proceeds of that tax would form a large item in the annual income, and would lessen the burden upon the rest of the community. In this District, the District authorities should have power to tax the two millions and a quarter of bank capital proposed to be created; it should stand at the head of the list of its taxable property, and at the present rate of taxation in the District, which he believed was above a cent on the dollar's worth of property, the income from this item would be most sensibly and beneficially felt.

Taxing the circulation of banks was another improvement which went hand in hand with taxing the capital, and might be used for two distinct and beneficial purposes: first, to raise revenue; and, next, to suppress small notes. The United States did not need revenue at present, and, therefore, might not resort to the taxation of bank notes for either object; but in 1813 and 1814, she did need revenue, and did tax all the bank notes issued in the United States. It was done by a stamp duty; with the privilege to each bank of compounding for the tax in detail, by paying a sum in gross. In England, bank notes are taxed, and have been for many years, and now yield a handsome sum. He (Mr. B.) had a note of the taxes paid by the Bank of England on its circulation, for half a century, some parts of which he would state, premising that acts of Parliament imposed a stamp duty on the notes, with the privilege of compounding for a gross sum. In 1791, the composition was £12,000 sterling per annum; in 1799, the composition was £20,000 for notes of £5 and upwards, and £4,000 for notes less than £5; in 1804, the composition was £32,000; in 1808, it was £42,000; and in 1815 it was £94,500, or nearly half a million of dollars. The mode of composition in England was by paying so much (£3,500 after 1815) per million on the average circulation of the preceding year. The separate tax, and separate composition, for notes under £5, was a happy expedient for restricting and keeping under that species of circulation, and if adopted in the United States, might effectually suppress all notes under $20, or, what is better, under $100. The States may do it at once, for they all need revenue; and the United States can do it, without question, whenever she may need it; and that will be much sooner than persons now suppose. The imposition of a tax for the suppression of small notes has been expressly recommended by Mr. Gallatin; and Mr. B. would read a paragraph from his Essay on Banks and Currency (1830) to that effect.

"Congress has power to lay stamp duties on notes, on bank notes, and on any description of bank notes. That power has already been exercised; and the duties may be laid to such an amount, and in such a manner, as may be necessary to effect the object intended. This object is not merely to provide generally for the general welfare, but to carry into effect, in conformity with the last paragraph of the 8th section of the first article, those several and express provisions of the constitution which vest in Congress exclusively, the control over the monetary system of the United States, and more particularly those which imply the necessity of a uniform currency. The exercise of the power for that object is free of any constitutional objection, provided the duties thus laid shall be uniform, and applied to the Bank of the United States as well as to the State banks. The act of laying and collecting the duties, which is expressly granted, is alone sufficient to effect the object. * * * Congress may, if it deems it proper, lay a stamp duty on small notes, which will entirely put an end to their circulation. It may lay such a duty on all bank notes as would convert all the banks into banks of discount and deposite only, annihilate the paper currency, and render a bank of the United States unnecessary in reference to that object."

Mr. B. said that these were most important and most cheering suggestions. They showed that it was in the power of Congress to regulate the paper system of the whole Union, to hold all the banks in check, to suppress what notes they pleased; and he for one would wish to suppress all under $100, but must limit his exertions, for want of co-laborers, not for want of will, to $20. Mr. B. took a pleasure in reminding the Senate that a Senator from Virginia, now again a member of this body, [Mr. RIVES,] had some years ago pointed to this taxing power of Congress as the means by which small notes could be suppressed, and the paper currency of all the States completely regulated; and he should be happy to follow the lead of that gentleman in carrying into effect his wise and patriotic suggestion.

A third improvement, which Mr. B. had proposed upon these charters, was to make the stockholders liable, each to the amount of his stock, for the debts of the institution, on its failure to pay specie. The reasons for this liability were strong and palpable. A man that owes should pay while he has property to pay with; and it is iniquitous and unjustifiable that a bank director, or stockholder, should riot in wealth while the business part of the community should hold the bank notes which they have put into circulation, and be able to get nothing for them after the bank had closed its doors. Such exemptions are contrary to the rights of the community, and one of the great causes of the failure of banks. A liability in the stockholders is one of the best securities which the public can have for the correct management and solvency of the institution. The famous Scottish banks, which, in upwards of one hundred years' operations, had neither once convulsed the country with contractions and expansions, nor once stopped payment, were constituted upon this principle. All the country banks in England, and all the bankers on the continent of Europe, were liable to a still greater degree; for in them each stockholder, or partner, was liable, individually, for the whole amount of the debts of the bank. The principle proposed to be incorporated in these charters strikes the just medium between the common law principle, which makes each partner liable for the whole debts of the firm, and the corporation principle in the United States, which absolves each from all liability, and leaves the pennyless and soulless carcase of a defunct and eviscerated bank alone responsible to the community. Liability to the amount of the stock was an equitable principle, and with a summary process for the recovery of the amounts of notes and deposites, and the invalidity of transfers of stock to avoid this liability, would be found a good remedy for a great evil. If the stockholders in the three banks which stopped payment

in this city during the panic session had been thus liable, the notes would not have been shaved out of the hands of the holders; if the bank which stopped in Baltimore at the same time, had been subject to this principle, the riots, which have afflicted that city in consequence of that stoppage, would not have taken place. Instead of these losses and riots, law and remedy would have prevailed; every stockholder would have been summoned before a justice of the peace—judgment granted against him on motion—for the amount held by the complainant; and so on, until all were paid, or he could plead that he had paid up the whole amount of his stock.

A fourth improvement which Mr. B. had proposed, was to limit the notes issued by the banks to the minimum size of twenty dollars, and to exclude all notes under that minimum, issued by other banks, from circulation within the District. He confessed that he felt an extreme degree of mortification in making a motion in the Congress of the United States to limit the size of bank notes, when this Congress was sitting here, and held its existence by virtue of a constitution which recognised nothing for currency but gold and silver; but he feared he might be subject to a still greater mortification in witnessing the failure of his motion, and the triumph of the paper system over this small attempt to check one of its greatest abuses. The limit of twenty dollars was the lowest that could be taken to accomplish the great objects in view; and that limit was not assumed arbitrarily, but from a careful observation of the effect of different limits, in different countries, upon the nature and amount of the circulating medium.

The great evils of the small paper currency are, 1. To banish gold and silver. 2. To encourage counterfeiting. 3. To destroy the standard of values. 4. To throw the burdens and the evils of the paper system upon the laboring and small dealing part of the community.

The instinct of banks to sink their circulation to the lowest denomination of notes which can be forced upon the community, is a trait in the system universally proved to exist wherever banks of circulation have been permitted to give a currency to a country; and the effect of that instinct has always been to banish gold and silver. When the Bank of England was chartered, in the year 1694, it could issue no note less than £100 sterling; that amount was gradually reduced by the persevering efforts of the bank, to £50; then to £20; then to 15; then to 10; at last to 5; and finally to £2 and 1. Those last denominations were not reached until the year 1797, or until one hundred and three years after the institution of the bank; and as the several reductions in the size of the notes, and the consequent increase of paper currency took place, gold became more and more scarce; and with the issue of the one and two pound notes, it totally disappeared from the country.

This effect was foretold by all political economists, and especially by Mr. Burke, then aged and retired from public life, who wrote from his retreat, to Mr. Canning, to say to Mr. Pitt, the Prime Minister, these prophetic words: "If this bill for the one and two pounds is permitted to pass, we shall never see another guinea in England." The bill did pass, and the prediction was fulfilled; for not another guinea, half guinea, or sovereign, was seen in England, for circulation, until the bill was repealed two and twenty years afterwards! After remaining nearly a quarter of a century without a gold circulation, England abolished her one and two pound notes, limited her paper currency to £5 sterling, required all Bank of England notes to be paid in gold, and allowed four years for the act to take effect. Before the four years were out, the Bank of England reported to Parliament that it was ready to begin gold payments; and commenced accordingly, and has continued them ever since. The one and two pound notes in England correspond with the five and ten dollar notes in the United States, and the five pound note is only four dollars above our twenty dollars; so that the analogy is perfect, and the effect must be similar upon our fives, tens, and twenties, that it was in England from the issue and suppression of the one and two pound notes, and the limitation to £5, with the compulsory obligation to pay in gold.

The encouragement of counterfeiting was the next great evil which Mr. B. pointed out as belonging to a small note currency; and of all the denominations of notes, he said those of one and two pounds in England, (corresponding with fives and tens in the United States,) were those to which the demoralizing business of counterfeiting was chiefly directed! They were the chosen game of the forging depredator! and that, for the obvious reasons that fives and tens were small enough to pass currently among persons not much acquainted with bank paper, and large enough to afford some profit to compensate for the expense and labor of producing the counterfeit, and the risk of passing it? Below fives, the profit is too small for the labor and risk. Too many have to be forged and passed before an article of any value can be purchased; and the change to be got in silver, in passing one for a small article, is too little. Of twenty and upwards, though the profit is greater on passing them, yet the danger of detection is also greater. On account of its larger size, the note is not only more closely scrutinized before it is received, and the passer of it better remembered, but the circulation of them is more confined to business men and large dealers, and silver change will not be given for them in buying small articles. The fives and tens, then, in the United States, like the £1 and £2 in England, are the peculiar game of counterfeiters, and this is fully proved by the criminal statistics of the forgery department in both countries. According to returns made to the British Parliament for twenty-two years—from 1797 to 1819—the period in which the one and two pound notes were allowed to circulate, the whole number of prosecutions for counterfeiting, or passing counterfeit notes of the Bank of England, was 998; in that number there were 313 capital convictions; 530 inferior convictions; and 155 acquitals; and the sum of £249,900, near a million and a quarter of dollars, was expended by the bank in attending to prosecutions. Of this great number of prosecutions, the returns show that the mass of them were for offences connected with the one and two pound notes. The proportion may be distinctly seen in the number of counterfeit notes of different denominations detected at the Bank of England in a given period of time—from the 1st of January, 1812, to the 10th of April, 1818—being a period of six years and three months out of the twenty-two years that the one and two pound notes continued to circulate. The detections were, of one pound notes, the number of 107,238; of two pound notes, 17,787; of five pound notes; 5,826; of ten pound notes, 419; of twenty pound notes, 54. Of all above twenty pounds, 35. The proportion of ones and twos to the other sizes may be well seen in the tables for this brief period; but to have any idea of the mass of counterfeiting done upon those small notes, the whole period of twenty-two years must be considered, and the entire kingdom of Great Britain taken in; for the list only includes the number of counterfeits detected at the counter of the bank, a place to which the guilty never carry their forgeries, and to which a portion only of those circulating in and about London could be carried. The proportion of crime connected with the small notes is here shown to be enormously and frightfully great. The same results are found in the United States. Mr. B. had looked over the statistics of crime connected with the counterfeiting of bank notes in

the United State, and found the ratio between the great and small notes to be about the same that it was in England. He had had recourse to the most authentic data—Bicknell's Counterfeit Detector—and there found the editions of counterfeit notes of the local or State banks, to be eight hundred and eighteen, of which seven hundred and fifty-six were of ten dollars and under; and sixty-two editions only were of twenty dollars and upwards. Of the Bank of the United States and its branches, he found eighty-two editions of fives; seventy-one editions of tens; twenty-six editions of twenties; and two editions of fifties; still showing that in the United States, as well as in England, on local banks as well as that of the United States, the course of counterfeiting was still the same; and that the whole stress of the crime fell upon the five and ten dollar notes in this country, and their corresponding classes, the one and two pound notes in England. Mr. B. also exhibited the pages of Bicknell's Counterfeit Detector, a pamphlet covered over column after column with its frightful lists, nearly all under twenty dollars; and he called upon the Senate in the sacred name of the morals of the country—in the name of virtue and morality—to endeavor to check the fountain of this crime, by stopping the issue of the description of notes on which it exerted nearly its whole force.

Mr. B. could not quit the evils of the crime of counterfeiting in the United States without remarking that the difficulty of legal detection and punishment was so great, owing to the distance at which the counterfeits were circulated from the banks purporting to issue them, and the still greater difficulty (in most cases impossible) of getting witnesses to attend in person in States in which they do not reside, the counterfeiters all choosing to practise their crime and circulate their forgeries in States which do not contain the banks whose paper they are imitating. So difficult is it to obtain the attendance of witnesses in other States, that the crime of counterfeiting is almost practised with impunity. The notes under $20 feed and supply this crime; let them be stopped, and ninety-nine hundredths of this crime will stop with them.

A third objection which Mr. B. urged against the notes under twenty dollars was, that nearly the whole evils of that part of the paper system fell upon the laboring and small dealing part of the community. Nearly all the counterfeits lodged in their hands, or were shaved out of their hands? When a bank failed, the mass of its circulation being in small notes, sunk upon their hands. The gain to the banks from the wear and tear of small notes, came out of them; the loss from the same cause, falling upon them. The ten or twelve per cent. annual profit for furnishing a currency in place of gold and silver, (for which no interest would be paid to the mint or the Government,) chiefly falls upon them; for the paper currency is chiefly under twenty dollars. These evils they almost exclusively bear, while they have, over and above all these, their full proportion of all the evils resulting from the expansions and contractions which are incessantly going on, totally destroying the standard of value, periodically convulsing the country, and in every cycle of five or six years making a lottery of all property, in which all the prizes are drawn by bank managers and their friends.

In proposing the limitation of twenty dollars to these District banks, Mr. B. of course coupled with it the concomitant provision for the exclusion of all notes under the same limit issued without the District. This was a precaution as just and natural as it was easy. A prohibitory law, with a liability in every passer to pay the amount of the notes, with costs and damages, in specie, and especially in gold, with summary process before a justice of the peace for the recovery, would effectually expel the interdicted and pestiferous paper.

Mr. B. said that the proposed limit of twenty dollars for the minimum size of bank notes was not an arbitrary assumption or a fanciful designation; but was a limit ascertained by experience, and proven by results, to be the lowest that would suffice to accomplish the ends intended. These ends are: 1. To re-establish the gold currency; 2. To make gold and silver the common currency for all the small dealings of the country; 3. To extend and enlarge the specie basis of the paper circulation; 4. To save the laboring and small dealing part of the community from the effects of contractions and expansions from bank issues; 5. To save them from the impositions of counterfeiters, from losses when banks fail, and from bearing the whole burden of the wear and tear of small notes; 6. To save hard money enough in the country to make it safe to have such paper currency as commerce and large dealings may require. These are the objects to be accomplished, and less than twenty dollars will have no adequate effect; far better would be the limit of $100, as it is nearly in France, and where that limit ensures a circulation of nine tenths gold and silver, and one tenth paper; namely, upwards of five hundred millions of dollars of one, and fifty millions of the other. Wise would it be in any single State to adopt this limit, and to exclude all notes under that amount from circulation within its borders; that State would become the richest and the happiest in the Union. It would be, in its moneyed concerns, to the rest of the Union, what France is to the rest of Europe—the absorbent of their precious metals, the perennial fountain of golden supply to its citizens, and the land of rest from the panics and pressures, the ebbs and flows, the feasts and famines, the dearths and deluges, the expansions, contractions, and revulsions, and all the crimes and misfortunes of the paper system!

But to proceed with the twenty dollar limit. While England had notes as low as one and two pounds, which we may call five and ten dollars, the specie basis contracted and diminished until silver could only be got for small change, and gold fled entirely from the country. The mint was forever coining; but the guineas and sovereigns went straight to France; and it was testified by Mr. Alexander Baring, before a committee of the House of Commons, that the gold coinage of the British mint, during this period, was regularly recoined in France, often without seeing the light in England; being packed in boxes and shipped as it issued from the mint, delivered in Paris before it was a week old, and swallowed up in the ocean of French currency by passing through the French mint and assuming the stamp and arms of France. The suppression of the one and two pound notes in 1819, and the £5 limit, with the compulsory obligation on the Bank of England to pay all its notes in gold, restored the gold currency in that country, and so extended and enlarged the specie basis, as to make her currency half and half—half specie and half paper—the specie two thirds gold, and one third silver, and the paper all of £5, about $24 and upwards. This has made a paper currency safe in England, for it is dollar for dollar; it has given to the laboring and small-dealing classes a hard money currency, and it has taken from the counterfeiters their chief and favorite classes of notes for imitation. Mr. B. took the great ground, that where a paper currency was tolerated at all, the safety and welfare of the community required the specie proportion to be one half; that it required a £5 limit, and gold payments, to effect that object in England; that a limit of twenty dollars would not effect it in the United States; and he was only restrained from proposing the French limit from the impossibility of contending successfully with the bank power at present, now omnipotent in the country, engrossing the time and governing the legislation, in whatever related to their

own interests. A twenty dollar limit would not give a substratum of half specie, even if our banks were compelled to pay all gold; but there is no compulsion on them to pay any part; and the efforts to bring them to half payments in gold would be long and bitterly resisted. Gold is the enemy of paper; it keeps it down when the holder of the paper has a right to demand gold; and thus a paper currency founded upon gold, as it is in England, will always be kept more within bounds than a paper currency founded upon silver. Silver is too cumbrous to hold paper in check. A person would not wish to change even a twenty dollar note into silver to carry in his pocket, but would gladly change it into gold; and so of fifty and hundred dollar notes.

The next improvement on the paper currency which Mr. B proposed, was contained in his fifth proposition, namely, that all the notes and paper currency issued by the banks should be payable, not in gold *or* silver, but in gold *and* silver; one half of either at the option of the demander, the other half at the option of the bank. This, Mr. B. said, would be perfectly equitable; it would ensure an equal supply of each metal in the country, without requiring the banks to keep enough of both metals to meet their whole circulation. It was also in accordance with the constitution of the United States—with the recent law of Congress for the re-establishment of the gold currency—with the nature of the mines in our own country—and with the rights and interests of the people. The constitution intended that gold and silver should continue to be what it was at the time of the framing of that instrument—a concurrent currency in the country. This intention, made clear in all the debates upon the subject, is expressly declared in article 1, section 10. Gold and silver are there joined together. They are joined by the conjunctive particle "and," not separated by the disjunctive particle "or." The act of Congress of 1834, for the re-establishment of the gold currency, and the subsequent act for the establishment of three branch mints, all show that it is the intention of the Government, approved by the voice of the people, to have gold as well as silver. The nature of our mines leads to it. We have gold mines, but no silver ones. Gold is, therefore, a domestic production, and should become a national currency. The rights and interests of the people require a gold currency; they have a right to it under the constitution of the country and under the laws of the land; their interest requires it for checking the paper system, regulating exchanges, preventing counterfeiting, furnishing convenient money for travelling, and preserving the most uniform and universal standard of value. Thus stands the constitution, the laws, the products of the country, and the rights and interest of the country in relation to gold. But the banks have a contrary interest! The whole paper system is adverse to gold! Exceptions of particular banks may be found; but the instinct of the paper system is against it; and a bank will pay in the least valuable and most cumbrous metal which it is permitted to offer. Between gold and silver, it will pay in silver; between silver and copper, it will pay in copper; between copper and iron, it will pay in iron. This is the instinct of the system; and now, in these United States, after all that has been done to revive the gold currency, that coin will be withheld from circulation, and sold for exportation, the moment the present excitement is over, and the aid of Jackson is withdrawn. This would be the case even without the impulse of a political motive, and without the instigation of party spirit, and without the regulation of party discipline; but, unfortunately, a powerful political party is opposed to gold in our country! The bank-whig party is opposed to it; and the whole political power and party machinery of these whigs, as they style themselves, will be exerted to suppress gold, and encourage small paper, that out of the evils incident to such a state of things, a depreciated currency may ensue, and the Bank of the United States may be called for to remedy the disorder. Law, then, is necessary to compel the banks to pay gold; and no measure more equitable could be devised than that of half payments in either metal; the demander having the first choice, and the bank the next.

The equity of this principle being clear, the next consideration is, as to its practicability. On this point facts and reasons are equally explicit. The banks can pay half their currency in gold in one year from this time, if they please. They could have done it this summer if they had pleased. The Federal Government could have had all its surplus now in gold, if Congress had given the President authority to supply the mint with gold bullion and foreign coins. The state of the foreign exchanges is, and has been for months, decidedly in favor of the United States, and the importation has been, and continues to be, a profitable business. It is a money-making business to import gold, and the custom-house returns show that it is coming of itself, in the course of commerce, independent of the purchases and importations effected by some banking institutions. A few of the deposite banks, as he had understood, had ordered importations to the amount of four or five millions. The Government had ordered home the French and Neapolitan indemnities in gold, the total of which will be seven millions. An equal sum of seven millions had been coined at our mint under the new law; and the native southern mines were promising a good product. There could be no doubt, with the slightest exertion on the part of the banks, that one half of the specie currency of the Union might be gold in the course of the ensuing year. It must be nearly twenty millions when President Jackson goes out of service. The whole specie currency was computed by the Secretary of the Treasury at 64,000,000 at the end of the last year. It is probably increased to 70,000,000, and ought to be increased to 100,000,000. The limitation of twenty dollars in the size of notes, and the compulsory obligation on the banks to pay one half in gold, would certainly and quickly augment our specie currency to 100,000,000. We have already doubled it in two years; for it was computed at about 30,000,000 at the time of the panic in 1834. War upon small notes and the introduction of gold has made this great increase. A vigorous prosecution of that war, and further measures for the protection of gold, will certainly add thirty millions more in a short time.

Mr. B. said he here wished to fix the attention of those who were in favor of a respectable paper currency—a currency of respectable sized notes of twenty dollars and upwards—on the great fact, that the larger the specie basis, the larger and safer would be the superstructure of paper which rested upon it; the smaller that specie basis, the smaller and more unsafe must be the paper which rested on it. The currency of England is $300,000,000, to wit: £8,000,000 sterling (near $40,000,000) in silver; £22,000,000 sterling (above $100,000,000) in gold; and about £30,000,000 sterling (near $150,000,000) in bank notes. The currency of the United States is difficult to be ascertained, from the multitude of banks, and the incessant ebb and flow of their issues: calculations vary; but all put the paper circulation at less than 100,000,000; and the proportion of specie and paper, at more than one half paper. This is agreed upon all hands, and is sufficient for the practical result, that an increase of our specie to 100,000,000, and the suppression of small notes, will give a larger total circulation than we now have, and a safer one. The total circulation may then be 200,000,000, in the proportions of half paper and half specie; and the spe-

cie, half gold and half silver. This would be an immense improvement upon our present condition, both in quantity and in quality; the paper part would become respectable from the suppression of notes under twenty dollars, which are of no profit except to the banks which issue them, and the counterfeiters who imitate them; the specie part would be equally improved by becoming one half gold.

Mr. B. could not quit this important point, namely, the practicability of soon obtaining a specie currency of 100,000,000, and the one half gold, without giving other proofs to show the facility with which it has been every where done when attempted. He referred to our own history immediately after the Revolution, when the disappearance of paper money was instantly followed, as if by magic, by the appearance of gold and silver; to France, where the energy of the great Napoleon, then first consul, restored an abundant supply of gold and silver in one year; to England, where the acquisition of gold was at the rate of $24,000,000 per annum for four years after the notes under five pounds were ordered to be suppressed; and he referred with triumph to our own present history, when, in defiance of an immense and powerful political and moneyed combination against gold, we will have acquired about 20,000,000 of that metal in the two concluding years of President Jackson's administration. Resting upon the general notoriety of the facts which he had stated relative to the rapid and easy acquisition of gold in all the instances referred to, he would economize time, and adduce proof in one instance only, that of England in 1819, after the suppression of the one and two pound notes, and the resumption of gold payments. Of many authors at hand, he would use, for its brevity and precision, the statement of Mr. Gallatin (Dec. 1830) in his Essay upon Banks and Currency:

"For the same reasons, any accidental inequality in the distribution of the precious metals amongst the several countries, in proportion to their respective wants, is promptly and easily repaired; and any extraordinary demand from a particular country met without difficulty, or sensibly affecting the price of the metal required. The general supply or stock on hand is always sufficient to meet such demand, and the expenses and charges of transportation are, on account of the greater value of an equal bulk, far less than those of any other commodity—hardly ever exceeding, in time of peace, one per cent. on the value, even when brought from the most distant countries of the civilized world. During the four years which immediately followed the resumption of specie payments in England, that occurrence occasioned an extraordinary demand of more than £20,000,000 sterling in gold, (about $100,000,000, to be supplied in four years,) or about $24,000,000 per annum; being three times as much as the annual supply of that metal; and this demand was met without any difficulty, or sensibly affecting the price of gold."

Mr. B. held this testimony to be entirely conclusive of the perfect facility and extreme promptitude with which any commercial nation can supply itself with a gold currency. He would quote from the same author a paragraph on the means of increasing the specie circulation of the United States:

"We perceive but two means of enlarging the circulating metallic currency: 1. The suppression of small notes. 2. The measures necessary to bring gold again into circulation."

"The first measure is that which, after long experience, a most deliberate investigation, and notwithstanding a strenuous opposition by the parties interested, has been finally adopted and persevered in by the Government of Great Britain. By the suppression of all notes of a denomination less than five pounds sterling (twenty-four dollars) in England, Wales, and Ireland, the amount of the circulating metallic currency has become equal to that of bank notes of every description. The metallic currency consists of eight millions sterling in silver, (which is not a tender in any payment exceeding forty shillings,) and in twenty-two millions sterling in gold. This measure (suppression of notes under five pounds) has given a better security against fluctuations in the currency, and a renewal of the suspension of specie payments, than had been enjoyed during the thirty preceding years. In France, where the Bank of France is alone authorized to issue bank notes, and none of a denomination less than 500 francs, its circulation of notes hardly ever reaches £10,000,000 sterling, or about one tenth part of the currency of the country."

Mr. B. having read this paragraph from Mr. Gallatin, relative to the suppression of small notes, to show the effect of the first step towards enlarging the specie basis of the currency, also referred to other passages relative to the next step, that of bringing back gold into circulation. The only measure for restoring this metal, in addition to the suppression of small notes mentioned by Mr. Gallatin, was that of correcting the erroneous standard of our gold, that of 15 to 1 of silver. That has been done, and the standard raised higher than proposed by Mr. Gallatin; but the effect desired is not yet produced; gold is not yet in common and general use. An additional measure is therefore necessary, and that is a compulsory obligation on all the banks to pay their notes in gold and silver, one half each—the demander to have the first choice, the bank the second. At the time that Mr. Gallatin wrote (1830) three measures were necessary to bring back gold into circulation: 1st. Suppression of notes under twenty dollars; 2d. Correction of the erroneous standard of gold; and, 3d. Compulsory obligation on banks to pay gold. One of these measures, a correction of the standard, has been adopted, and has partially restored gold; but its effect will be transient and inadequate unless the other two are added.

Mr. B. took leave of this important and all-essential point, (the suppression of bank notes below twenty dollars,) with bringing to the memory of the Senate two most pertinent and weighty recollections—one founded upon the action of the Senate itself, the other on the recommendation of President Jackson. Four years ago, at the veto session, and when a modified recharter passed both Houses in favor of the Bank of the United States, the sum of twenty dollars was agreed upon as the minimum size of the notes to be issued under the renewed charter. The proceedings of the Senate on this point appear thus in Gales & Seaton's Register of Debates for Monday, the 28th of May, 1832:

"The Senate then again proceeded to consider the bill to modify and continue the charter of the Bank of the United States. The question being on the amendments proposed by Mr. WEBSTER, being in substance:

"1st. That the Secretary of the Treasury, when directed by the President, have the power to purchase additional stock in the bank to an amount not exceeding three millions; and,

"2d. That it should not be lawful for the bank, after the 4th day of March, 1836, to issue any notes of a less value than —— dollars.

"Mr. WEBSTER said a few words in defence of his second amendment, which imposed no restriction until after the expiration of the present charter. The effect of his proposition would be to introduce more specie into circulation, and to banish the small notes with which the country is inundated. He moved to fill the blank with ten dollars, but expressed his willingness to vote for a higher restriction if any Senater should move it."

"Mr. BENTON would propose twenty dollars. He

wished the basis of circulation throughout the country to be in hard money. Farmers, laborers, and market people, ought to receive their payments in hard money. They ought not to be put to the risk of receiving bank notes in all their small dealings. They are no judges of good or bad notes. Counterfeits are sure to fall upon their hands; and the whole business of counterfeiting was mainly directed to such notes as they handle—those under twenty dollars."

"After a few remarks from Mr. FOOT and Mr. CHAMBERS, the question was taken on filling the blank with twenty dollars; when it was agreed to, and the amendment, thus shaped, was concurred in."

This was one of the recollections which Mr. B. wished to bring to the mind of the Senate; the other was, that President Jackson, in his last annual message to Congress, had fixed upon twenty dollars as the minimum size of bank notes which ought to be tolerated.

Mr. B. took this occasion to express his regret that the true idea of banks seemed to be lost in this country, and that here we had but little conception of a bank, except as an issuer of currency. A bank of discount and deposite, in contradistinction to a bank of circulation, is hardly thought of in the United States; and it may be news to some bank projectors, who suppose that nothing can be done without banks to issue millions of paper, to learn that the great bankers in London and Paris, and other capitals of Europe, issue no paper; and, still more, it may be news to them to learn that Liverpool and Manchester, two cities which happen to do about as much business as a myriad of such cities as this our Washington put together, also happen to have no banks to issue currency for them. They use money and bills of exchange, and have banks of discount and deposite, but no banks of circulation. Mr. Gallatin, in his Essay upon Currency, thus speaks of them:

"There are, however, even in England, where incorporated country banks issuing paper are as numerous, and have been attended with the same advantages, and the same evils, as our country banks, some extensive districts, highly industrious and prosperous, where no such bank does exist, and where that want is supplied by bills of exchange drawn on London. This is the case in Lancashire, which includes Liverpool and Manchester, and where such bills, drawn at ninety days after date, are endorsed by each successive holder, and circulate through numerous persons before they reach their ultimate destination, and are paid by the drawee."

Mr. B. greatly regretted that such banks as those in Liverpool and Manchester were not in vogue in the United States. They were the right kind of banks. They did great good, and were wholly free from mischief. They lent money; they kept money; they transferred credits on books; they bought and sold bills of exchange; and these bills, circulating through many hands, and endorsed by each, answered the purpose of large bank notes, without their dangers, and became stronger every time they were passed. To the banks it was a profitable business to sell them, because they got both exchange and interest. To the commercial community they were convenient, both as a remittance and as funds in hand. To the community they were entirely safe. Banks of discount and deposite in the United States, issuing no currency, and issuing no bank note except of $100 and upwards, and dealing in exchange, would be entitled to the favor and confidence of the people and of the Federal Government. Such banks only should be the depositories of the public moneys.

It is the faculty of issuing paper currency which makes banks dangerous to the country, and the height to which this danger has risen in the United States, and the progress which it is making, should rouse and alarm the whole community. It is destroying all standard of value. It is subjecting the country to demoralizing and ruinous fluctuations of price. It is making a lottery of property, and making merchandise of money, which has to be bought by the ticket holders in the great lottery at two and three per cent. a month. It is equivalent to the destruction of weights and measures, and like buying and selling, without counting, weighing, or measuring. It is the realization, in a different form, of the debasement and arbitrary alteration of the value of coins practised by the Kings of Europe in former ages, and now by the Sultan of Turkey. It is extinguishing the idea of fixed, moderate, annual interest. Great duties are thus imposed upon the legislator; and the first of these duties is to revive and favor the class of banks of discount and deposite; banks to make loans, keep money, transfer credits on books, buy and sell exchange, deal in bullion, but to issue no paper. This class of banks should be revived and favored; and the United States could easily revive them by confiding to them the public deposites. The next great duty of the legislator is to limit the issues of banks of circulation, and make them indemnify the community in some little degree, by refunding, in annual taxes, some part of their undue gains.

The progress of the banking business is alarming and deplorable in the United States. It is now computed that there are 750 banks and their branches in operation, all having authority to issue currency, and, what is worse, all that currency is receivable by the Federal Government. The quantity of chartered bank capital, as it is called, is estimated at near $800,000,000; the amount of this capital reported by the banks to have been paid in is about $300,000,000; and the quantity of paper money which they are authorized by their charters to issue is about $750,000,000. How much of this is actually issued can never be known with any precision; for such are the fluctuations in the amount of a paper currency, flowing from 750 fountains, that the calculation of one day cannot be relied upon for the next. The amount of capital, reported to be paid in, is, however, well ascertained, and that is fixed at $300,000,000. This, upon its face, and without recourse to any other evidence, is proof that our banking system, as a whole, is unsolid and delusive, and a frightful imposition upon the people. Nothing but specie can form the capital of a bank; there are not above sixty or seventy millions of specie in the country, and, of that, the banks have not the one half. Thirty millions in specie is the extent; the remainder of the capital must have been made up of that undefinable material called "specie funds," or "funds equivalent to specie," the fallacy of which is established by the facts already stated, and which show that all the specie in the country put together is not sufficient to meet the one fifth part of these "specific funds," or "funds equivalent to specie." The equivalent, then, does not exist! credit alone exists; and any general attempt to realize these "specie funds," and turn them into specie, would explode the whole banking system, and cover the country with ruin. There may be some solid and substantial banks in the country, and undoubtedly there are better and worse among them; but as a whole—and it is in that point of view the community is interested—as a whole, the system is unsolid and delusive! and there is no safety for the country until great and radical reforms are effected.

The burdens which these 750 banks impose upon the people were then briefly touched by Mr. B. It was a great field, which he had not time to explore, but which could not, in justice, be entirely passed by. First, there were the salaries and fees of 750 sets of bank officers: presidents, cashiers, clerks, messengers, notaries

public to protest notes, and attorneys to sue on them; all these had salaries, and good salaries, paid by the people, though the people had no hand in fixing these salaries; next, the profits to the stockholders, which, at an average of ten per centum gross, would give thirty millions of dollars, all levied upon the people; then came the profits to the brokers, first cousins to the bankers, for changing notes for money, or for other notes at par; then the gain to the banks and their friends on speculations in property, merchandise, produce, and stocks, during the periodical visitations of the expansions and contractions of the currency; then the gain from the wear and tear of notes, which is so much loss to the people; and, finally, the great chapter of counterfeiting, which, without being profitable to the bank, is a great burden to the people, on whose hands all the counterfeits sink. The amount of these burdens he could not compute; but there was one item about which there was no dispute--the salaries to the officers and the profits to the stockholders--and this presented an array of names more numerous, and an amount of money more excessive, than was to be found in the "Blue Book," with the Army and Navy Register inclusive.

Mr. B. said this was a faint sketch of the burdens of the banking system as carried on in the United States, where every bank is a coiner of paper currency, and where every town, in some States, must have its banks of circulation, while such cities as Liverpool and Manchester have no such banks, and where the paper money of all these machines receive wings to fly over the whole continent, and to infest the whole land, from their universal receivability by the Federal Government in payment of all dues at their custom-houses, land offices, post offices, and by all the district attorneys, marshals, and clerks, employed under the federal Judiciary. The improvidence of the States, in chartering such institutions, is great and deplorable; but their error was trifling, compared to the improvidence of the Federal Government in taking the paper coinage of all these banks for the currency of the Federal Government, maugre that clause in the constitution which recognises nothing but gold and silver for currency, and which was intended forever to defend and preserve this Union from the evils of paper money.

Mr. B. averred, with a perfect knowledge of the fact, that the banking system of the United States was on a worse footing than it was in any country upon the face of the earth; and that, in addition to its deep and dangerous defects, it was also the most expensive and burdensome, and gave the most undue advantages to one part of the community over another. He had no doubt but that this banking system was more burdensome to the free citizens of the United States than ever the feudal system was to the villeins, and serfs, and peasants of Europe. And what did they get in return for this vast burden? A pestiferous currency of small paper! when they might have a gold currency without paying interest, or suffering losses, if their banks, like those in Liverpool and Manchester, issued no currency except as bills of exchange; or, like the Bank of France, issued no notes but those of 500 and 1,000 francs, (say $100 and $500;) or, even like the Bank of England, issued no note under £5 sterling, and payable in gold. And with how much real capital is this banking system, so burdensome to the people of the United States, carried on? About $30,000,000! Yes; on about 30,000,000 of specie rest the 300,000,000 paid in, and on which the community are paying interest, and giving profits to bankers, and blindly yielding their faith and confidence, as if the whole 300,000,000 was a solid bed of gold and silver, instead of being, as it is, one tenth part specie, and nine tenths paper credit!

Mr. B. said the reform of the banking system was a task as difficult as indispensable. The number and power of the banks was the first great impediment; the quantity of independent legislation was the next; but it had been shown that the whole was under the power of Congress, and that the Federal Government could, by the collection of its own revenues, regulate the State currencies, and bring them all to the touchstone of gold. The States themselves could effect the regulation by direct legislation. It is no answer to say, "we will if the rest will." Let one begin, and let it exclude from its borders all the descriptions of notes which its own banks are forbidden to issue; that State will immediately realize the full benefit of its legislation, and others will soon follow the example. If they do not, the benefits to the reformed States will be none the less, but the greater; they will be to the rest of the States what France was to England during the reign of the one and two pound notes; the absorbent of their gold! Above all, Mr. B. said, the Congress of the United States should begin first; that Congress to whose guardian care is committed the constitution, which recognises nothing but gold and silver for money; and here, in this District, where Congress sits, and has exclusive jurisdiction, is the place to begin; and now the time, when seven banks in company have knocked all at once at our doors, and demanded, twice and thrice, renewed charters, without having undergone the investigations which their past conduct requires. Here is the place, this the authority, and now the time, to begin; and as we now act, so will be the influence of our example, for good or for evil, throughout the entire extent of the Union.

When Mr. BENTON had concluded—

Mr. KING, of Alabama, again vindicated the bill and the banks, and urged especially the distressing results to the District of the failure of the bill, or of any great and sudden change in the currency of the District.

After some farther remarks from Mr. WALKER,

The question was then taken on the passage of the bill, and decided as follows:

YEAS—Messrs. Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Naudain, Nicholas, Porter, Prentiss, Rives, South, ard, Swift, Tallmadge, Tomlinson, Walker, Webster—26.

NAYS—Messrs. Benton, Ewing of Illinois, King of Georgia, Linn, McKean, Mangum, Morris, Niles, Robinson, Ruggles, Shepley, Wall, White, Wright—14.

After transacting some other business,

The Senate adjourned.

WEDNESDAY, JUNE 8.

INDIAN APPROPRIATIONS.

Mr. WHITE, from the Committee on Indian Affairs, reported the amendments of the House to the bill making appropriations for the expenses of the Indian Department, for Indian annuities, &c. Several of the amendments of the House were concurred in.

One of the amendments of the House was an increase of the appropriation for the removal of the Creeks, so as to embrace the whole of them, being about twenty-one thousand, at thirty dollars a head. The first estimate was for twelve thousand, at a lower rate. It was asked of the chairman of the committee if it was possible to effect this operation of removing the Creeks during the present year, and the reply was, that if they could be got into the humor, their removal might be effected before the next meeting of Congress.

While this amendment was pending, on motion of Mr. CALHOUN, the further consideration of the subject was arrested, by a motion made by Mr. CALHOUN to lay the whole matter on the table; which was agreed to.

INCENDIARY PUBLICATIONS.

On motion of Mr. CALHOUN, the Senate then proceeded to consider the bill to prohibit deputy postmasters from receiving and transmitting certain papers described therein, in the States in which they are, or may be, prohibited by law.

[The following is a copy of the bill:

Be it enacted, &c., That it shall not be lawful for any deputy postmaster, in any State, Territory, or District of the United States, knowingly to deliver to any person whatever, any pamphlet, newspaper, handbill, or other printed paper or pictorial representation, touching the subject of slavery, where, by the laws of the said State, Territory, or District, their circulation is prohibited; and any deputy postmaster who shall be guilty thereof shall be forthwith removed from office.

SEC. 2. *And be it further enacted*, That nothing in the acts of Congress to establish and regulate the Post Office Department shall be construed to protect any deputy postmaster, mail carrier, or other officer or agent of said Department, who shall knowingly circulate, in any State, Territory, or District, as aforesaid, any such pamphlet, newspaper, handbill, or other printed paper or pictorial representation, forbidden by the laws of such State, Territory, or District.

SEC. 3. *And be it further enacted by the authority aforesaid*, That the deputy postmasters of the offices where the pamphlets, newspapers, handbills, or other printed papers or pictorial representations aforesaid, may arrive for delivery, shall, under the instructions of the Postmaster General, from time to time give notice of the same, so that they may be withdrawn by the person who deposited them originally to be mailed; and if the same shall not be withdrawn in one month thereafter, shall be burnt or otherwise destroyed.]

The question being on the passage of the bill—

Mr. WEBSTER addressed the Senate at length in opposition to the bill, commencing his argument against what he contended was its vagueness and obscurity, in not sufficiently defining what were the publications the circulation of which it intended to prohibit. The bill provided that it should not be lawful for any deputy postmaster, in any State, Territory, or District of the United States, knowingly to deliver to any person whatever, any pamphlet, newspaper, handbill, or other printed paper or pictorial representation, touching the subject of slavery, where, by the laws of the said State, District, or Territory, their circulation was prohibited. Under this provision, Mr. W. contended that it was impossible to say what publications might not be prohibited from circulation. No matter what was the publication, whether for or against slavery, if it touched the subject in any shape or form, it would fall under the prohibition. Even the constitution of the United States might be prohibited; and the person who was clothed with the power to judge in this delicate matter was one of the deputy postmasters, who, notwithstanding the difficulties with which he was encompassed in coming to a correct decision, must decide correctly, under pain of being removed from office. It would be necessary, also, he said, for the deputy postmasters referred to in this bill to make themselves acquainted with all the various laws passed by the States, touching the subject of slavery, and to decide on them, no matter how variant they might be with each other. Mr. W. also contended that the bill conflicted with that provision in the constitution which prohibited Congress from passing any law to abridge the freedom of speech or of the press. What was the liberty of the press? he asked. It was the liberty of printing as well as the liberty of publishing, in all the ordinary modes of publication; and was not the circulation of papers through the mails an ordinary mode of publication? He was afraid that they were in some danger of taking a step in this matter that they might hereafter have cause to regret, by its being contended that whatever in this bill applies to publications touching slavery, applies to other publications that the States might think proper to prohibit; and Congress might, under this example, be called upon to pass laws to suppress the circulation of political, religious, or any other description of publications which produced excitement in the States. Was this bill in accordance with the general force and temper of the constitution and its amendments? It was not in accordance with that provision of the instrument under which the freedom of speech and of the press was secured. Whatever laws the State Legislatures might pass on the subject, Congress was restrained from legislating in any manner whatever, with regard to the press. It would be admitted, that if a newspaper came directed to him, he had a property in it; and how could any man, then, take that property and burn it without due form of law? and he did not know how this newspaper could be pronounced an unlawful publication, and having no property in it, without a legal trial.

Mr. W. argued against the right to examine into the nature of publications sent to the post office, and said that the right of an individual in his papers was secured to him in every free country in the world. In England, it was expressly provided that the papers of the subject shall be free from all unreasonable searches and seizures —language, he said, to be found in our constitution. This principle established in England, so essential to liberty, had been followed out in France, where the right of printing and publishing was secured in the fullest extent; the individual publishing being amenable to the laws for what he published; and every man printed and published what he pleased, at his peril. Mr. W. went on at some length to show that the bill was contrary to that provision of the constitution which prohibits Congress to pass any law abridging the freedom of speech or of the press.

Mr. BUCHANAN said that, as he had voted for the engrossment of this bill, and should vote for its final passage, he felt himself bound to defend and justify his vote against the argument of the Senator from Massachusetts, [Mr. WEBSTER.] In doing so, he would imitate that Senator, if in no other respect, at least in being brief.

It is indispensable to the clear and distinct understanding of any argument, to know precisely what is the question under discussion. Without this knowledge, we cannot tell whether in any or in what degree the argument is applicable to the subject. What, then, is the naked question now under discussion, stripped of all the mist which has been cast around it? This bill embraced but a single principle, though this principle was carried out through three sections. It provides that deputy postmasters, within the limits of such slaveholding States as have found it necessary for their own safety to pass laws making it penal to circulate inflammatory publications and pictorial representations, calculated to excite the slaves to insurrection, shall not be protected by the laws of the United States, in violating these State laws. Postmasters within these States, who shall knowingly distribute such publications, are liable to be removed from office. The bill also provides that the post office laws of the United States shall not protect postmasters, mail carriers, or other officers or agents of the Department, who shall knowingly circulate such incendiary publications, from the penalties denounced against this offence under the laws of the States. This is the spirit and principle of the bill. It does no more than to withdraw the protection of the laws of the United States, establishing the Post Office Department, from postmasters and other agents of this Government who

shall wilfully transgress State laws deemed absolutely necessary to secure the States, within which they exist, from servile insurrection.

This bill did not affect, in the slightest degree, any of the non-slaveholding States. Neither did it apply to any of the slaveholding States, except those within which the danger of insurrection had become so imminent as to compel them to pass laws of the character referred to in the bill.

Of the policy and justice of passing such a bill he could not doubt, provided we possess the power. No person would contend that this Government ought to become the instrument of exciting insurrection within any of the States, unless we were constrained to pursue this course by an overruling constitutional necessity. The question then is, Does any such necessity exist? Are we bound by the constitution of the United States, through our post offices, to circulate publications among the slaves, the direct tendency of which is to excite their passions and rouse them to insurrection? Have we no power to stay our hand in any case? Even if a portion of this Union were in a state of open rebellion against the United States, must we aid and assist the rebels, by communicating to them, through our Post Office Department, such publications and information as may encourage and promote their designs against the very existence of the confederacy itself? If the constitution of the United States has placed us in this deplorable condition, we must yield to its mandates, no matter what may be the consequences.

Mr. B. did not believe that the constitution placed us in any such position. Our power over the mails was as broad and general as any words in the English language could confer. The constitution declares that "Congress shall have power to establish post offices and post roads." This is the only provision which it contains touching the subject. After the establishment of these post offices and post roads, who shall decide upon the purposes for which they shall be used? He answered, Congress, and Congress alone. There was no limitation, no restriction whatever, upon our discretion contained in the bond. We have the power to decide what shall and what shall not be carried in the mail, and what shall be the rates of postage. He freely admitted that, unless in extreme cases, where the safety of the republic was involved, we should never exercise this power of discrimination between what papers should and should not be circulated through the mail. The constitution, however, has conferred upon us this general power, probably for the very purpose of meeting these extreme cases; and it is one which, from its delicate nature, we shall not be likely to abuse.

He differed entirely from the report of the Senator from South Carolina, [Mr. CALHOUN,] as to the source whence the power was derived to pass this bill. No action of the State Legislatures could either confer it or take it away. It was perfect and complete in itself under the federal constitution, or it had no existence. With that Senator he entirely concurred in opinion, that the sedition law was clearly unconstitutional. Congress have no power to abridge the freedom of the press, or to pass any law to prevent or to punish any publication whatever. He understood the freedom of the press to mean precisely what the Senator from Massschusetts had stated. But does it follow, as the gentleman contends, that because we have no power over the press, that therefore we are bound to carry and distribute any thing and every thing which may proceed from it, even if it should be calculated to stir up insurrection or to destroy the Government? So far as this Government is concerned, every person may print, and publish, and circulate, whatever he pleases; but are we therefore compelled to become his agents, and to circulate for him every thing he may choose to publish? This is the question. Any gentleman upon this floor may write what he thinks proper against my character; but because he can exercise this liberty, am I therefore bound to carry and to circulate what he has written? So any individual within the broad limits of this Union, without previous restraint and without danger of punishment from the Federal Government, may publish what is calculated to aid and assist the enemies of the country in open war; but does it follow, as a necessary consequence, that this very Government is bound to carry and circulate such publications through its mails? A more perfect *non sequitur* never had been presented to his mind. It was one thing not to restrain or punish publications; it was another and an entirely different thing to carry and circulate them after they have been published. The one is merely passive, the other is active. It was one thing to leave our citizens entirely free to print and publish and circulate what they pleased, and it was another thing to call upon us to aid in their circulation. From the prohibition to make any law "abridging the freedom of speech or of the press," it could never be inferred that we must provide by law for the circulation through the post office of every thing which the press might publish. And yet this is the argument both of the Senator from Massachusetts and the Senator from South Carolina. If this argument were well founded, it was very clear to his mind, that no State law could confer upon Congress any power to pass this bill. We derived our powers from the federal constitution, and from that alone. If under its provisions we had no authority to pass the bill, we could derive no such authority from the laws of the States.

Why, then, did Mr. B. vote for a bill to prevent the circulation of publications prohibited by State laws? Not because we derived any power from these laws; but, under the circumstances, they contained the best rule to guide us in deciding what publications were dangerous. The States were the best judges of what was necessary for their own safety and protection; and they would not call for the passage of this bill, unless they were firmly convinced that the situation in which they were placed imperiously demanded it. They were willing to submit to a great evil in depriving themselves of information which might be valuable to them, in order to avoid the still greater evil that would result from the circulation of these publications and pictorial representations among their slaves. Such a law would not be permitted to exist after the necessity for it had ended. He was therefore willing, upon this occasion, to refer to the laws of the States, not for the purpose of conferring any power on Congress, but merely for a description of the publications which it should be unlawful for our deputy postmasters within these States to circulate.

This bill was in strict conformity with the recommendations contained in the President's message on this subject, which had, he believed, found favor every where. The principles of this message, which had been pronounced unconstitutional by the Senator from South Carolina, [Mr. CALHOUN,] had, be believed, been highly commended in a resolution passed by the Legislature of that State. He would read an extract from the President's message:

"In connexion with these provisions in relation to the Post Office Department, I must also invite your attention to the painful excitement produced in the South by attempts to circulate through the mails inflammatory appeals addressed to the passions of the slaves, in prints and in various sorts of publications, calculated to stimulate them to insurrection, and to produce all the horrors of servile war.

"There is, doubtless, no respectable portion of our countrymen who can be so far misled as to feel any

other sentiment than that of indignant regret at conduct so destructive of the harmony and peace of the country, and so repugnant to the principles of our national compact, and to the dictates of humanity and religion. Our happiness and prosperity essentially depend upon peace within our borders—and peace depends upon the maintenance, in good faith, of those compromises of the constitution upon which the Union is founded. It is fortunate for the country that the good sense, the generous feeling, and the deep-rooted attachment of the people of the non-slaveholding States to the Union, and to their fellow-citizens of the same blood in the South, have given so strong and impressive a tone to the sentiments entertained against the proceedings of the misguided persons who have engaged in these unconstitutional and wicked attempts, and especially against the emissaries from foreign parts who have dared to interfere in this matter, as to authorize the hope that those attempts will no longer be persisted in. But if these expressions of the public will shall not be sufficient to effect so desirable a result, not a doubt can be entertained that the non-slaveholding States, so far from countenancing the slightest interference with the constitutional rights of the South, will be prompt to exercise their authority in suppressing, so far as in them lies, whatever is calculated to produce this evil.

"In leaving the care of other branches of this interesting subject to the State authorities, to whom they properly belong, it is nevertheless proper for Congress to take such measures as will prevent the Post Office Department, which was designed to foster an amicable intercourse and correspondence between all the members of the confederacy, from being used as an instrument of an opposite character. The General Government, to which the great trust is confided of preserving inviolate the relations created among the States by the constitution, is especially bound to avoid, in its own action, any thing that may disturb them. I would, therefore, call the special attention of Congress to the subject, and respectfully suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the southern States, through the mail, of incendiary publications intended to instigate the slaves to insurrection."

In reply to Mr. WEBSTER, Mr. B. said that he did not think there was any vagueness in that part of the bill on which the gentleman had commented, except what arose from the nature of the subject. It is vague, says the gentleman, because it contains no description of the publications the circulation of which it intends to prohibit, except the words "touching the subject of slavery." On this foundation he had erected a considerable portion of his argument. Mr. B. acknowledged that if the bill contained no other description than this, it would be impossible to carry it into execution. But this was not the fact. The subsequent language restricted this vague description; because it confined the operation of the bill to such publications only, "touching the subject of slavery," as were prohibited from circulation by the laws of the respective States.

We have (said Mr. B.) wisely and properly referred, for the description of the offence, to the laws of the different States which will be embraced by the bill. It was just, it was politic, it was treating those States with a proper degree of respect, to make our law conform with their laws, and thus to take care that no conflict should arise between our deputy postmasters and their State authorities. Could the gentleman from Massachusetts himself make the bill more explicit? He could not do it, consistently with the principles upon which it was founded, without incorporating into its provisions all the laws of all the States who had thought proper to pass laws upon this subject. Our deputy postmasters were resident citizens of those States. They were bound to know the State laws under which they lived; and all that this bill requires is, that they shall not violate them.

The Senator from Massachusetts has contended that any newspaper which had been sent to an individual by mail, and was deposited in a post office, was his property; and we had, therefore, no right to say it should not be delivered. But this was begging the question. It was taking that for granted which remained to be proved. If Congress, as he (Mr. B.) had contended, possessed the incontestable power of declaring what should and what should not be circulated through the mails, no man could have the right to demand from any post office that which the law had declared should not thus be circulated. If we can, without violating the constitution, say that these inflammatory publications, tending to excite servile war, shall not be distributed by our postmasters among the individuals to whom they are directed, no question of property could then arise. No man can have a property in that which is a violation of law. It then becomes a question, not of property, but of public safety. Admit the gentleman's premises, that we have no right to pass any law upon this subject, and he can establish his position that a property exists in those publications whilst in the post offices. Without this admission his argument entirely fails.

He felt as reluctant as any man could feel, to vote for any law interfering with the circulation through the mails of any publication whatever, no matter what might be its character. But if the slaves within any southern State were in rebellion, or if a palpable and well-founded danger of such a rebellion existed, with his present convictions, should he refuse to prevent the circulation of publications tending to encourage or excite insurrection, he would consider himself an accomplice in their guilt. He entertained no doubt whatever of the power of Congress to pass this bill, or of the propriety of exercising that power. He would not have voted for the bill which had been reported by the Senator from South Carolina, [Mr. CALHOUN,] because he thought it a measure far beyond what was required by the necessity of the case. This bill, whilst it was sufficiently strong to correct the evil, would be confined in its operations to those States within which the danger existed.

Mr. DAVIS stated at length his objections to the passage of the bill. Senators assumed that there were no difficulties in the way, because the post office power gave to Congress the right to decide what should be carried in the mails. On a former occasion, he had said all that was proper in regard to this matter. He then drew the attention of the Senate to the constitutional question involved, and demonstrated, as he thought, that there was no authority in the constitution to pass this bill, or any thing like it. The language of the constitution was very simple: it only said that Congress should have the power to establish post offices and post roads. Now, what was a post office, in the meaning of the constitution? To understand this, it would be necessary to ascertain what was the meaning held at the time the constitution was adopted. You had a post office at the time the constitution was made, and a press also; and the provision in the constitution was made in reference to both these known things. The object in establishing the post office, then, was to send abroad intelligence throughout the country; and it was intended for the transmission of newspapers, pamphlets, judicial and legislative proceedings, and all matters emanating from the press, relating to politics, literature, and science, and for the transmission of private letters. It would be, therefore, in his opinion, in conflict with the provision of the constitution giving Congress the power to establish the post office, as well as an abridgment of the

freedom of the press, to carry into effect the provisions of the bill.

The Senator from Pennsylvania reiterated the argument used the other day by his friend from Georgia, that you have no right to diffuse publications through the ageney of the post office, for the purpose of exciting a servile war. Now, let me tell the gentleman (said Mr. D.) that this is an old argument against the liberty of the press, and that it has been used whenever it was thought necessary to establish a censorship over it. The public morals were said to be in danger; it was necessary to prevent licentiousness, tumult, and sedition; and the public good required that the licentiousness of the press should be restrained. All these were the plausible pretences under which the freedom of the press had been violated in all ages. Now, they knew that the press was at all times corrupt; but when they came to decide the question whether the tares should be rooted up, and the wheat along with it, those who had decided in favor of liberty had always decided that it was better to put up with a lesser evil than to draw down upon themselves one of such fearful magnitude as must result from the destruction of the press. Mr. D. contended that the power to be given to the deputy postmasters to decide what should and what should not be distributed from the post office, gave them a dangerous discretion over a very delicate matter, and that the power was one highly susceptible of abuse, and always liable to misconstruction.

Mr. GRUNDY observed that this bill was intended simply to prevent any officer of the Government, who should violate the laws of the States in which he resided, from sheltering himself under the post office law. As the bill now stood, the objections with regard to abridging the freedom of the press had no application whatever. There was no provision in the bill interfering with the printing or publishing any matter whatever, nor was it even pretended that Congress possessed the power of doing so. It was not even said that certain publications, no matter how incendiary in their character, should not be deposited in the post office and transmitted through the mails. Therefore, all the objections that he had heard to the bill fell to the ground. In this bill the Government simply said to the individual in its employ, "We will not help you to do an act in violation of the laws of the State in which you live." That was the ground on which the bill was framed, and it could not be pretended that this was an abridgment of the liberty of the press. It was only the Government declining to assist an individual in the violation of the law, and that was the whole bill. The Government under the constitution had an entire control of the Post Office Department. It had the power to regulate what matters should be carried through the mails, and what should not. We say to every body that to these slaveholding States you may transmit through the mails what you please; but if you transmit to one of our officers what is prohibited by the laws of the State in which he resides, we shall say to that officer, you shall not put on the mantle of the Government to assist you in the violation of that law; you shall be subject to the penalties of the State laws, besides removal from office. In fact, there was not the slightest pretext for saying that this bill violated in the remost degree the freedom of the press. Nothing should be carried in the mails but what was proper for transmission through them; but if there was any thing sent through them tending to excite insurrection and bloodshed, how could there be an objection to the passage of a law, saying that it should not be delivered out from the post office.

The gentleman from Massachusetts objected to the vagueness of the bill in saying what shall not be distributed from the post offices. How could the matter, he asked, be made more specific? When the publication arrived at the post office where it was prohibited, and was about to be handed out, the State law would be consulted, and, by it, it would be decided whether it was in violation of the State law or not, and it could thus be determined whether it was proper for delivery. He should not say any thing as to the report; he did not concur in it farther than that this was a great evil, and should be corrected in the mildest way that it could be done. This bill did not affect any individual but those of the post offices of the States where laws have been passed prohibiting publications and pictorial representations, calculated to excite insurrection among the slaves. He was opposed to the original bill, because it interfered with what publications should be deposited in, as well as delivered from, the post offices. But it was only at the delivery office where this bill would operate, and the postmaster at such office would be operated on by the laws of the State in which it is situated. If this bill was not passed, nothing could be done, and the post office would be made (for there were persons wicked enough to do it) the medium through which to send firebrands throughout the country.

Mr. CLAY said that he considered this bill totally unnecessary and uncalled-for by public sentiment; and in this he differed with the Senator from Pennsylvania, [Mr. BUCHANAN;] for he believed that the President's message on the subject had met with general disapprobation; that it was unconstitutional; and, if not so, that it contained a principle of a most dangerous and alarming character. When he saw that the exercise of the most extraordinary and dangerous power had been assumed by the head of the Post Office, and that it had been sustained by this message, he turned his attention to the subject, and inquired whether it was necessary that the General Government should, under any circumstances, exercise such a power, and whether he possessed it; and, after much reflection, he had come to the conclusion that they could not pass any law interfering with the subject in any shape or form whatever.

The evil complained of was the circulation of papers having a certain tendency. The papers, unless circulated, did no harm, and while in the post office or in the mail they were not circulated—it was a circulation solely which constituted the evil. It was the taking them out of the mail, and the use that was to be made of them, that constituted the mischief. Then it was perfectly competent to the State authorities to apply the remedy. The instant that a prohibited paper was handed out, whether to a citizen or sojourner, he was subject to the laws which might compel him either to surrender them or burn them. He considered the bill not only unnecessary, but as a law of a dangerous, if not a doubtful, authority.

It was objected that it was vague and indefinite in its character; and how is that objection got over? The bill provided that it shall not be lawful for any deputy postmaster, in any State, Territory, or District of the United States, knowingly to deliver to any person whatever, any pamphlet, newspaper, handbill, or other printed paper or pictorial representation, touching the subject of slavery, where, by the laws of the said State, Territory, or District, their circulation is prohibited. Now, what could be more vague and indefinite than this description? Now, could it be decided, by this description, what publications should be withheld from distribution? The gentleman from Pennsylvania said that the laws of the States would supply the omission. He thought the Senator was premature in saying that there would be precision in State laws, before he showed it by producing the law. He had seen no such law, and he did not know whether the description in the bill was applicable or not. There was another objection to this part of the

bill; it applied not only to the present laws of the States, but to any future laws that might pass.

Mr. C. denied that the bill applied to the slaveholding States only; and went on to argue that it could be applied to all the States, and to any publication touching the subject of slavery whatever, whether for or against it, if such publication was only prohibited by the laws of such State. Thus, for instance, a non-slaveholding State might prohibit publications in defence of the institution of slavery, and this bill would apply to it as well as to the laws of the slaveholding States; but the law would be inoperative: it declared that the deputy postmaster should not be amenable, unless he knowingly shall deliver, &c. Why, the postmaster might plead ignorance, and of course the law would be inoperative.

But he wanted to know whence Congress derived the power to pass this law. It was said that it was to carry into effect the laws of the States. Where did they get such authority? He thought that their only authority to pass laws was in pursuance of the constitution; but to pass laws to carry into effect the laws of the States, was a most prolific authority, and there was no knowing where it was to stop: it would make the legislation of Congress dependent upon the legislation of twenty-four different sovereignties. He thought the bill was of a most dangerous tendency. The Senator from Pennsylvania asked if the post office power did not give them the right to regulate what should be carried in the mails. Why, there was no such power as that claimed in the bill; and if they passed such a law, it would be exercising a most dangerous power. Why, if such doctrine prevailed, the Government might designate the persons, or parties, or classes, who should have the benefit of the mails, excluding all others.

It was too often in the condemnation of a particular evil that they were urged on to measures of a dangerous tendency. All must agree as to the dangerous consequences of persons residing out of certain States transmitting to them incendiary publications, calculated to promote civil war and bloodshed. All must see the evil, and a great evil it was, and he hoped that a stop would be put to it; but Congress had no power to pass beyond the constitution for the purpose of correcting it. The States alone had the power, and their power was ample for the purpose. He hoped never to see the time when the General Government should undertake to correct the evil by such measures as the one before them. If (said Mr. C.) you can pass this law to prohibit the delivery through the post office of publications touching the subject of slavery, might they not also pass laws to prohibit any citizen of New York or Massachusetts from publishing and transmitting through the mail any thing touching that subject? If you may touch the subject of slavery at all, why not go to the root of the evil? Suppose one of the southern States were to pass a law of this kind; would you not be called upon by all the arguments now used in favor of this bill, to carry such law into effect? Mr. C. concluded by saying that the bill was calculated to destroy all the landmarks of the constitution, establish a precedent for dangerous legislation, and to lead to incalculable mischief. There was no necessity for so dangerous an assumption of authority, the State laws being perfectly competent to correct the evil complained of. He must say that, from the first to the last, he was opposed to the measure.

Mr. CALHOUN could not concur with the views taken by the Senators from Massachusetts and Kentucky, that this bill would comprehend in its provisions all publications touching the subject of slavery. In order to bring any publication within the provisions of the bill, two qualifications were necessary. The first was, that it must relate to the subject of slavery; and the next was, that it must be prohibited by the laws of the State to which it is transmitted. He thought that this was the view that would be taken of it by the courts. The object of this bill was to make it the duty of the postmasters in the States to conform to the laws of such States, and not to deliver out papers in violation of their laws. The simple question was, had this Government the power to say to its officers, you shall not violate the laws of the States in which you reside? Could it go further, and make it their duty to co-operate with the States in carrying their laws into effect? This was the simple question. Now could any man doubt that Congress possessed the power to pass both measures, so that their officers might not come into conflict with the State laws? Indeed, he looked upon measures of this kind to prevent conflicts between the General and State Governments, which were likely to ensue, as essentially necessary; for it was evident that when such conflicts took place, the State must have the ascendancy. Mr. C. then briefly recapitulated the principles on which this bill was founded, and contended that it was in aid of laws passed by the States as far as Congress had the power constitutionally to go, and assumeed no power to prohibit or interfere with the publication or circulation of any paper whatever; it only declared that the officers of the Government should not make their official stations a shield for violating the State laws. Was there any one there who would say, that the States had not the power to pass laws prohibiting and making penal, the circulation of papers, calculated to incite insurrection among their slaves? It being admitted that they could, could not Congress order its officers to abstain from the violation of these laws? We do not (said Mr. C.) pass a law to abridge the freedom of the press, or to prohibit the publication and circulation of any paper whatever—this has been done by the States already. The inhibition of the constitution was on Congress, and not on the States, who possessed full power to pass any laws they thought proper. They knew that there were several precedents to sanction this bill. Congress had passed laws to abstain from the violation of the health laws of the States. Could any one say that the constitution gave to Congress the power to pass quarantine laws? He had not adverted to the message of the President on this subject, because he believed that the President acted from the best motives, and that that part of the message was drawn up without sufficient reflection. He denied, however, that this message was in conformity with the constitution. It would be directly abridging the liberty of the press for Congress to pass such laws as the President recommended. One part of the message he would refer to, which was in these words:

"I would, therefore, call the special attention of Congress to the subject, and respectfully suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the southern States, through the mail, of incendiary publications, intended to instigate the slaves to insurrection."

This was clearly unconstitutional; for it not only recommended the prohibition of publications and circulation of incendiary papers, (abridging the freedom of the press,) but it recommended also the infliction of severe penalties, which powers were expressly prohibited by the constitution. On no other principle could this ever be defended, than that it was simply abstaining from a violation of the laws of the States.

The Senator from Kentucky contended that this bill was useless; and he (Mr. C.) agreed that it was so in one sense, and that was, with or without this bill, the southern States would execute their own laws against the circulation of such papers. It was a case of life and death with them; and did any body suppose that they would permit so many magazines in their bosom to blow them to destruction, as these post offices must be, if

these incendiary publications continued to be circulated through them? While the southern States contained so many postmasters opposed to their institutions, as it was in his own State, where almost every postmaster was opposed to it, it was absolutely necessary for them to take effectual measures for their own security. It was the assertion of the principle, that the States had a right to protect themselves, which made the bill valuable in his eyes; it prevented the conflict which would be likely to take place between the General and State Governments, unless some measure of the kind should be adopted. The States had a right to go to the extent of this bill; and they would be wanting to themselves and to posterity if they omitted to do it. It was on the doctrine of State rights and State intervention that he supported this bill, and on no other grounds.

The Senator from Massachusetts objected to the returning of these papers whose delivery was prohibited. He regretted this as much as the Senator did; but his objection was, that it did not go far enough: he thought that these papers should be delivered to the prosecuting officers of the States, to enable them to ferret out the designs of the incendiaries.

Mr. WEBSTER remarked, that in general it might be safely said, that when different gentlemen supported a measure admitted to be of a novel character, and placed their defence of it on different and inconsistent grounds, a very simple person might believe, in such case, that there were no very strong grounds for adopting the measure. The Senator from Pennsylvania and the Senator from South Carolina, not only placed their defence of the bill on opposite grounds, but each opposed the principles on which the other founded his support of it. Where the object to be gained was apparently good, and the case urgent, as it was represented to be, how could limitations of power stand against powerful opponents, which have always been urging to despotism? Now, against the objects of this bill he had not a word to say; but with constitutional lawyers there was a great difference between the object and the means to carry it into effect. It was not the object to be gained, but the means to attain it, which they should look to; for though the object might be good, the means might not be so. His objections went to the means, and not to the object; and he did not yield the argument because the object was a good one, and the case was urgent. It was better to limit the power, and run the risk of injury from the want of it, than to give a power which might be exercised in a dangerous manner.

The Senator from Pennsylvania said that this bill was calling on Congress to do nothing but to abstain from violating the laws of the States. It was one thing, said the Senator, for Congress to abstain from giving these incendiary papers circulation, and another to pass laws saying that they shall not be published. But if Congress had no mail through which these papers could be transmitted, what did the gentleman mean by Congress abstaining from giving them circulation? It meant that Congress should interfere, and create an especial exception as to what should be transmitted by their ordinary channel of intelligence, and that that exception should be caused by the character of the writing or publication. He contended that Congress had not the power, drawn from the character of the paper, to decide whether it should be carried in the mail or not; for such decision would be a direct abridgment of the freedom of the press. He confessed that he was shocked at the doctrine. He looked back to the alien and sedition laws, which were so universally condemned throughout the country; and what was their object? Certainly to prohibit publications of a dangerous tendency. [Mr. W. here quoted the sedition law, to show the objects it intended to effect.] But the deputy postmasters, Mr. W. said, must look into the newspaper mail to see if there were any publications in it touching the subject of slavery, calculated to excite insurrections among the slaves.

Now, said Mr. W., the country would have been rent into atoms if the sedition law, instead of saying that papers should not be published in such and such a way, had declared that the deputy postmasters should have the power to search the mails to see if they contained any publications calculated to "bring the Government into disrepute, promote insurrection, and lead to foreign war," the evils the sedition law intended to guard against. All the papers described in the law of '99 were unlawful by the laws of any of the States; and yet that law, which had created so much excitement, and met with such general reprobation, contained nothing like the power claimed by this bill. Any law distinguishing what shall or shall not go into the mails, founded on the sentiments of the paper, and making the deputy postmaster the judge, he should say was expressly unconstitutional, if not recommended by gentlemen of such high authority. This bill, said Mr. W., went beyond the recommendation of the President; for his recommendation was, that the person who circulated the papers described by him, should be punished by severe penalties. Now, this was the old law of liberty; there was not a word of previous restraint in it as imposed by this bill. Mr. W. then went into an argument to show the vagueness of the bill in describing the paper the delivery of which was prohibited. Under it it was impossible to determine what publications should be prohibited: abolition pamphlets were to be stopped at the South, and anti-abolition papers were to be stopped at the North. In reply to Mr. BUCHANAN, he said that he did not assume that these prohibited publications either were or were not property. All he said was, that they ought not to make the deputy postmasters the judge, and take away the property without the authority of law. What he had to say was, that it was a question of property or no property; and that they could not make the deputy postmasters the judge of the fact, as he could not be a judge of property known to the constitution and the law.

Mr. BUCHANAN said he had not anticipated, when he first addressed the Senate upon this subject, that he should have occasion to make any further remarks; but the Senator from Massachusetts had replied to his argument in such a special manner, that he felt himself constrained to reply to some of his remarks. Now, permit me to say, (continued Mr. B.,) that he has not at all met the point of my argument. He has invested this subject with an air of greater importance and responsibility than it deserves; he has played around it with all his powers, but without touching the real question involved in the discussion.

Congress has no power (says the gentleman) to pass any law abridging the freedom of speech or of the press. Granted. He most freely admitted that Congress had no power to touch the press at all. We can pass no law whatever either to prevent or to punish any publication, under any circumstances whatever. The sedition law violated this principle. It punished libels against the Federal Government and its officers; and having met with general reprobation, it was repealed, or permitted to expire by its own limitation, he did not recollect which.

Mr. B. said he admitted these premises of the gentleman in their broadest extent; but did they justify his conclusions? In order to maintain his argument, he must prove that the constitution, in declaring that Congress shall not pass any law abridging the freedom of the press, has thereby, and from the force of these terms alone, commanded us to circulate and distribute,

through our post offices, every thing which the press may publish, no matter whether it shall promote insurrection and civil war or not. This is the proposition which he must establish. All the gentleman's remarks in favor of the liberty of the press met his cordial approbation; but they did not apply to the constitutional question then under discussion. He had argued this question precisely as if, in addition to the words already in the constitution, that "Congress shall make no law abridging the freedom of speech or of the press," there had been inserted, "or to prevent the circulation of any production of the press through the post offices." But these words were not in the instrument; and the only question was, whether the one prohibition could be inferred from the other. Mr. B. said he was in favor of a plain and literal construction of the constitution. He took it for his guide; and he could never consent to interpolate what its framers never intended should be there. They have conferred upon Congress, in express terms, a general discretion in regard to the Post Office Department; and the question then was, shall we exercise it in the manner proposed by this bill, for the purpose of preventing servile war, bloodshed, and disunion?

How had the gentleman from Massachusetts met his argument? He says that the principles upon which the Senator from South Carolina [Mr. CALHOUN] and himself had sustained this bill, were at variance with each other; and that this of itself was sufficient to cast doubt over the measure. But was it the first time the gentleman had ever known correct conclusions to be drawn from varying or even unfounded premises? The bill itself ought not to be condemned for the arguments of its friends. He would remind the gentleman of the advice given by a distinguished English judge to a young friend about to occupy a judicial station in the West Indies, which was, never to give reasons for his judgments where it could be avoided; because his natural sense and perception of justice would almost always enable him to decide correctly, though he might, and probably often would, assign insufficient reasons for his decisions. This bill ought to be judged by its own provisions, and ought not to be condemned for the reasons in support of it which had been advanced either by the Senator from South Carolina or himself.

The Senator from Massachusetts had argued as though he (Mr. B.) had said, that as the end proposed by this measure was good, he should vote for it, notwithstanding the means might be unconstitutional.

[Here Mr. WEBSTER explained, and said he had not imputed to Mr. B. such an argument.]

Mr. B. proceeded. The Senator did not mean this imputation; but his argument seemed to imply as much. However necessary he might believe this bill to be, if he did not find a clear warrant for its passage in the constitution, it should never have his support. He never could believe that this Government, having the exclusive control over the Post Office Department in all its various relations, was yet so impotent to prevent evil, that it must, under the fundamental law which called it into existence, whether it would or not, distribute publications tending directly to promote servile insurrection, and to produce its own destruction.

The Senator from South Carolina [Mr. CALHOUN] had misapprehended him in one particular. He (Mr. B.) had disclaimed all authority to pass this bill derived from State laws, or from any other source than the constitution of the United States. He had not said he would vote for a similar bill in all cases where the State Legislatures might think proper to pass laws to prohibit the circulation of any publication whatever. He considered the passage of such laws merely as evidence of the necessity for legislation by Congress; but he was very far from adopting the principle that it should be conclusive evidence in all cases. Congress must judge for itself under all the circumstances of each particular case.

In reply to the Senator from Massachusetts, Mr. B. said that this bill would not be a penal law. Every thing like a penalty had been stricken from its provisions, unless the removal of a deputy postmaster from office by the Postmaster General might be viewed in that light. By it we merely directed our agent not to violate State laws by distributing publications calculated to excite insurrection. He would not have occasion to study all the laws of all the States on the subject of slavery, as the Senator from Massachusetts had alleged. All that would be required of him was to know the laws of the State of which he was a citizen, and to take care not to violate them.

The gentleman had said that he (Mr. B.) had mistaken the recommendation contained in the President's message. Now he undertook to assert that this bill was in conformity with the recommendation of the President, and carried it out in all essential particulars.

[Here Mr. B. again read the last paragraph of the message which he had read before.]

Now, sir, (said Mr. B.,) does not the President expressly assert that Congress has authority to regulate what shall be distributed through the post offices, and does he not "suggest the propriety of passing such a law as will prohibit, under severe penalties, the circulation in the southern States, through the mail, of incendiary publications, intended to instigate the slaves to insurrection?" Except that this bill contained no severe penalties, it was framed, both in its spirit and in its letter, according to the suggestion of the President. What other bill could we pass of a milder character than the one now before us, to prevent the circulation of these incendiary publications? Let the President's recommendation be entitled to what weight it might, this bill was in exact accordance with it.

The Senator from Massachusetts had contended that this bill conferred upon deputy postmasters the power of depriving individuals of their property in newspapers and other publications, in violation of that clause in the constitution which declares that no person shall be deprived of his property without due process of law. By this bill we had not attempted to shield any postmaster from legal responsibility for his conduct. We could not do so, if we would. We had merely prescribed for him, as we had done for our other agents, the line of his duty. We did not attempt to protect him from the suit of any person who might consider himself aggrieved. If any individual to whom a publication was directed, and who had demanded it from the postmaster and had been refused, should believe our law to be unconstitutional, he might bring this question before the judiciary, and try it, like any other question. All our officers and agents are liable to be sued, and if the law under which they acted should prove to be unconstitutional, it would afford them no protection. On the present occasion, we proposed to proceed in the spirit of the common law principle, that any individual may abate a nuisance, though he thereby rendered himself responsible, in case it should appear afterwards that the thing abated was not a nuisance. So here, the postmaster refusing to deliver a newspaper under our law, would be responsible in damages to the party aggrieved, in case it should appear that the law under which he had acted was unconstitutional.

As to the necessity for passing this bill, he should say but a few words. It was very easy for gentlemen to say that necessity was the plea of tyrants. He admitted it had been so, and would be so in all time to come. But, after all, if we possessed the power to legislate in this case, from our situation we were compelled to judge whether

it was necessary to call it into efficient action or not. This duty devolved upon us. We could not avoid deciding this question. Was it not, then, within our own knowledge that the slaveholding States had been attempted to be flooded with pamphlets and pictorial representations calculated to excite servile insurrection? Had we not seen upon this floor many of those pictorial representations, whose direct effect would be to excite the wild and brutal passions of the slaves to cut the throats of their masters? Within the last few months, had there not been bloodshed? and had there not been several attempted insurrections in some of the southern States? These facts were incontestable. Believing and knowing all this to be true, he said the case of necessity, in his judgment, was fully established, and he should vote for the passage of the bill.

Mr. CUTHBERT was not desirous to throw himself into the current of this debate at this time. The position which he held, the infrequency of his occupying that floor, and the indisposition under which he labored, authorized him to expect the attention of the Senate for a short time, when he should be better able to address them than he then was. He therefore hoped the Senate would indulge him in an opportunity of being heard on the subject, by postponing it, to be taken up within a very short period. It appeared to him that the Senator from Pennsylvania had said precisely what should have been said in support of this bill. It appeared to him that that Senator had given an unanswerable reply to the Senator from Massachusetts on points on which he principally relied for his opposition to the measure before them. What is the state of the case? (said Mr. C.) The deputy postmaster in one of the States holds in his hand an incendiary publication, intended to carry blood and desolation through the land. Is he bound in duty to hold it from circulation? If he gives it to another, the evils intended by that publication will ensue; but then your officer, contends the Senator from Massachusetts, is bound to deliver it, because you have no power to pass a law abridging the freedom of the press. According to this doctrine, that which an individual cannot do, your officer is bound to do. It appeared to him that the obvious necessity of this law was to prevent the post office agents from committing a criminal offence against the laws of the States, and then shielding themselves under the post office law. But the Senator from Massachusetts had not met this point, but had rather evaded and played around it. This was a question which should not be discussed with the chicanery of a pettifogging lawyer, but should be considered with those enlarged ideas and noble sentiments which belong to the statesman. They should argue as it became enlightened patriots, anxious to promote harmony and good feeling through our common country, and to preserve all its parts from the dangers of insurrection.

He denied that property could be affected by this law, as contended by the Senator from Massachusetts. There could be no property in these incendiary publications. The postmaster holds in his hand that which, by the laws of the States, is in the condition of stolen property, and he is bound to give it back. He holds in his hand what, by his own judgment, he considers not to be property--which his own judgment condemns, and he is therefore bound to resign it. The Senator from Massachusetts said rightly, that the person to whom this publication is directed may come forward and demand it, under the provision of this law. Now, if the Senator thought there was any thing wanting in this provision of the bill, why did he not propose an amendment? If he did propose any, he (Mr. C.) had not heard it. The property is not to be destroyed; it must be returned to him who sent it.

In another point of view (Mr. C. said) the postmaster must judge whether these papers are legal or not. He holds in his hand papers which the laws of his State have said shall not be circulated, under a penalty. Is he not to decide whether he shall incur that penalty or not? How stood the argument of the Senator from Massachusetts? He requires that the officer shall violate the laws of his State, or that the General Government shall protect him in it. With regard to the members that compose the Senate, every gentleman was conscious in his own breast of a strong desire to prevent the evils of a servile war in the southern States. Of this he was confident. But with regard to the Senator from Massachusetts, he should be guilty of a want of candor, if he allowed him that clearness of judgment which belonged to the statesman; he should be wanting in that sincerity of heart, on which he had ever prided himself, if he declared his conviction, that the honorable Senator had treated this subject with the liberal and impartial spirit it deserved. The gentleman's course had uniformly been opposed to all those measures which tended to quiet the country, and heal those sectional dissensions which disturb the Union.

When a large and overwhelming vote was taken in the Senate, on the motion of the Senator from Pennsylvania, believed by all to be so necessary to settle a question threatening the most fearful consequences, it was held to be highly desirable that there should be a unanimous vote. Yet, on an occasion when the Senator could well have shown a desire to harmonize and conciliate, his vote was found in the negative. Again, the Senator from Massachusetts had put forth a paper calculated to excite great distrust in the body of the people affected by it. He alluded to the resolutions adopted at a meeting held in Boston on the subject of slavery, of which the gentleman was said to be the author, in which it was declared that Congress had the power to regulate the transfer of slaves from one State to another. Mr. C. said that he had addressed the Senate but seldom, and as he wished to be heard on this subject more at large, when his health was better and under more favorable circumstances, he hoped the Senate would indulge him by a postponement.

Mr. WEBSTER said that he had heard the remarks of the Senator from Georgia [Mr. CUTHBERT] with attention and with respect; and considering his speech of a personal character, it became him to notice it; but as the gentleman proposed to discuss this subject more at large when his health was better, and, as he said, under circumstances less tending to irritation, he should postpone his reply till then. He should hear the gentleman with pleasure, and he looked forward to it with much solicitude, and should endeavor to reply to him according to his best abilities. Mr. W. then entered into a lengthy reply to the remarks of Mr. Buchanan, in the course of which he contended that the law was unnecessary, because the States had at present the power to punish the deputy postmasters who should circulate incendiary publications in violation of their laws.

Mr. BUCHANAN did not rise again to argue the question. He did not feel any petty desire to have the last word. He should now merely remark that the Senator from Massachusetts, in his last observations, had done nothing more than again to restate his proposition, without offering any new argument in its support. He reminded him of another powerful man, in the ancient time, who was condemned to roll a large stone to the top of a mountain, which was always falling back upon him, and which he never could accomplish. The gentleman's position was one which even his great powers did not enable him to maintain.

Mr. B. should not again have arisen but for the purpose of making a single remark. The Senator from Massschusetts had just expressed the opinion that dep-

uty postmasters could be punished, under State authority, for circulating inflammatory pamphlets and papers in violation of State laws. If this be true, then all the power over the post office which we confer by this bill, already exists in the States. The effect of it, then, will be nothing more than to express our assent to the exercise of a power over deputy postmasters by the States, which the gentleman admits to exist already. Upon this principle there can be no objection to the adoption of the present measure.

Mr. CUTHBERT only rose to repeat the request that the Senate would, by the postponement of the subject for a short time, allow him an opportunity of being heard on it when his health was better.

Mr. C. then moved to lay the bill on the table; which motion was lost.

The bill was then rejected by the following vote:

YEAS—Messrs. Black, Brown, Buchanan, Calhoun, Cuthbert, Grundy, King of Alabama, King of Georgia, Mangum, Moore, Nicholas, Porter, Preston, Rives, Robinson, Tallmadge, Walker, White Wright—19.

NAYS—Messrs. Benton, Clay, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, Knight, Leigh, McKean, Morris, Naudain, Niles, Prentiss, Ruggles, Shepley, Southard, Swift, Tipton, Tomlinson, Wall, Webster—25.

PUBLIC DEPOSITES.

The Senate proceeded to consider the bill to regulate the deposites of the public money.

Mr. WRIGHT obtained the floor, and indicated his intention to move the Senate to proceed to the consideration of executive business.

The deposite bill was then postponed, and made the special order for to-morrow.

After transacting some other business,

On motion of Mr. BENTON,

The Senate proceeded to the consideration of executive business; and, after some time, the doors were reopened, and

The Senate adjourned.

THURSDAY, JUNE .

MICHIGAN SCHOOL LANDS, &c.

On motion of Mr. WRIGHT, the bill supplementary to the bill to establish the northern boundary of Ohio, and for the admission of Michigan into the Union, with the amendment thereto proposed by him, was taken up and considered.

Mr. EWING explained the provisions of the bill and of the amendment, which was to make the usual reservations, in behalf of Michigan, of school lands, and of five per cent. of the nett proceeds of sales of public lands, on the condition of the recognition of the absolute right of the United States to dispose of the vacant lands, &c. &c. The only peculiar feature in the bill he pointed out to be, that it did not contain the usual exemption from taxation for five years of lands purchased by individuals from the United States. Dispensing with this exemption, it was thought, would tend to discourage purchases merely for speculation, and be otherwise of general benefit.

Mr. BENTON expressed his approbation of the principles of the bill.

Mr. CLAY said he was not in favor of this change in the compact with the new States. He considered the knowledge that for a period of time the lands were to be exempt from taxation, was a powerful motive to purchasers; and he hoped the bill would not be passed without the usual exempting clause. Mr. C. moved to amend the bill by inserting a provision exempting from taxation for five years all lands sold by the United States.

Mr. WRIGHT said, if the object was to have the lands settled and sold for no other purposes, it was highly important that the practice of exempting those lands from taxation should be discontinued. He said the custom was established, when the practice of the Government was to sell on five years' credit, for the minimum price of two dollars; the subsequent reduction of the price, for cash sales, had been a sufficient inducement to purchasers, and he did not think any one actual settler had ever been induced to buy by the exemption from taxation; but speculators in large amounts were often so induced; and he hoped the practice would be abandoned.

Mr. WALKER was in favor of the exemption, and explained the effect upon lands in Louisiana. It would operate, he said, as an encouragement to construct levees, and reclaim valuable back lands.

Mr. GRUNDY said he was decidedly in favor of the amendment of the Senator of Kentucky, because he was opposed to admitting the State of Michigan upon different terms from those upon which other new States had been admitted. If, after the State had been admitted, it was found desirable to abolish the practice generally, he would go for it, but now he wished to put this State on the same footing as neighboring States.

Mr. EWING said, if he could see any benefit to the United States from the exemption, he would not object to the introduction of the amendment; but he thought it operated only as a restraint upon the States, without any benefit to the country. He thought there was no diminution in the eagerness to purchase lands; and where it was done for speculation, he thought it for the good of the country in some measure to discourage it. He stated that he had learned this morning, that a million of dollars had been received from sales of lands in the peninsula of Michigan, and he looked with anxiety, instead of exultation, upon the immense sales he heard of daily. He did not think the old States which had come in with the restriction, would feel any jealousy if it was not imposed upon the new States. He, as a representative of one of the oldest of the States which had been admitted with the restriction, felt no jealousy. It was but of little importance to Ohio, for the time had nearly come when it could not affect her in any way. He thought the same principle should be extended to all States hereafter to be admitted; and unless it was proper so to extend it, he should not be in favor of it. It had been first suggested to him some time since, and he was satisfied then and now that the exemption was of no benefit to the United States, and was inconvenient to the States.

Mr. CLAY replied at length, and said he thought the argument of the Senator from Tennessee was conclusive, and ought to be satisfactory to the Senate. If the change was to be made at all, Michigan ought to be admitted upon the same terms as the other States; and then the change should be made general for them all. But he was opposed to the proposition to change the exemption from taxes for five years, not only in this application in detail, but to the general principle. He said it would affect actual settlers most unjustly and injuriously. The purchasers who, according to custom, made their purchases in the spring to remove in the fall, if they should be prevented from entering for any longer time, would often find that they had lost their lands, in consequence of sales for taxes, of which they had no knowledge; while the sharp-eyed speculator would have knowledge of the facts, and would not be in any way injuriously affected. The worst class of speculators he considered those who attend sales of land for taxes, to get for a mere song the property of the poor man, whose misfortunes had prevented his complying with the re-

quisition for taxes. He concluded by asking for the yeas and nays; which were ordered.

After some further explanation by Messrs. WRIGHT and CLAY,

Mr. WEBSTER said that it was not ten days since he first heard that it was in contemplation to change this part of the compact. He considered it important, and hoped no change would be made without some more mature deliberation. If any change was to be made, it ought to be done by a general law, applicable to all the States, and he hoped the change would not be pressed in this instance.

After a few words of explanation from Mr. EWING, of Ohio,

The question was taken upon the amendment moved by Mr. CLAY, and decided as follows:

YEAS—Messrs. Calhoun, Clay, Crittenden, Davis, Goldsborough, Grundy, Kent, Knight, Leigh, McKean, Naudain, Prentiss, Preston, Robbins, Southard, Swift, Tipton, Tomlinson, Wall, Webster—20.

NAYS—Messrs. Benton, Black, Brown, Cuthbert, Ewing of Illinois, Ewing of Ohio, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Mangum, Moore, Morris, Nicholas, Niles, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, White, Wright—24.

So the amendment was negatived.

The bill was then passed, in the modified form proposed by Mr. WRIGHT.

INDIAN APPROPRIATIONS.

On motion of Mr. WHITE,

The Senate took up the bill making appropriations for the Indian department, and amendments; the question being on concurring with the House in the additional appropriations for the removal of the Creek Indians.

Mr. WHITE moved to amend the amendment, by providing that no private contracts shall be made under this appropriation, without giving previous public notice; which being agreed to, the amendment of the House as amended, was concurred in.

PRE-EMPTION CLAIMS.

The bill to extend the time for receiving the proof of certain pre-emption claims under the act of the 19th of June, 1834, came up on its third reading.

Mr. EWING, of Ohio, opposed the bill, on the ground that a great mass of fraud and perjury would be practised under it, and that the United States would be deprived of a vast quantity of its best lands, to enrich those who had no claim whatever on them. The gentleman from Mississippi who introduced this bill [Mr. WALKER] could not possibly be aware of the extent of the frauds that would be perpetrated under it. Mr. E. instanced the vast tracts of valuable lands acquired from the Indians in Wisconsin, and above the rafts of the Red river, worth four dollars per acre, that would be entirely swept away by persons who had gone on them, to wait for some such law of this kind. The bill, he said, held out a bribe to falsehood, fraud, and perjury. If it was a small matter, as the Senator from Mississippi supposed, he would not so earnestly oppose it—he would not object to giving each rascal who crossed the Mississippi his $1,000 in order to get rid of him; but the man who was disposed to defraud the Government under this bill, must be a worthless rascal indeed, if he could not make his tens of thousands and hundred of thousands. They had evidence enough of the frauds that had been perpetrated under these pre-emption laws. Some of these claimants would have no difficulty in swearing to at least a dozen cases.

Mr. WALKER rose to defend the character of the settlers on the western lands. He denied that they were a set of purjured rascals. They were as high-minded and as honorable a set of men as any on the face of the earth, and as little deserved the imputations that had been cast on them as their libellers on that floor. He did not know where gentlemen got their habit of speaking of these men, who, for honest integrity, virtue, and patriotism, would compare with any people on the face of the earth, unless it was from the English and Scotch reviewers. Go back (said Mr. W.) to the period of the last war, and say who it was that filled up the ranks of our army. Who was it that defended New Orleans and the valley of the Mississippi from the pollution of the footsteps of a foreign foe, but these purjured rascals that, gentlemen so vehemently denounced on that floor? In reply to the objections of Mr. EWING, Mr. W. said that it was impossible that purjuries could be committed under this bill; because, as the evidence must be taken within separate land districts, and before the Register and Receiver, each settler would be known, and no one of them could swear to more than one case, or personate more than one claim. Mr. W. also showed that the tracts of country between the Des Moines and Lake Michigan, and above the raft of Red river, referred to by the Senator from Ohio, could not be affected by this bill, as all these lands have been acquired by Indian treaties since 1834, and the bill excludes any claimant who has settled on lands to which the Indian title had not been extinguished before that time. [Mr. W. read the dates of the treaties by which these lands were acquired.] Mr. W. urged a variety of arguments in support of the bill, contending that it would by no means extend as far as was apprehended by the Senator from Ohio; that these settlers, for whose benefit the bill was intended, had a vested right in the lands they had settled, relying on the faith of the Government, and that it would be impolitic as well as unjust to deprive them of the land defended by their blood and enriched by their industry, for the paltry consideration of the additional two cents per acre they would get at the public sales from the land speculators.

Mr. MORRIS observed that, when this bill was before the Senate the other day, he was not altogether satisfied with its provisions, and therefore did not vote for its engrossment. This bill contemplated extending the time for making proof of pre-emption claims under the law of 1832, extended by the law of 1834. Now, he wished to know whether the Secretary of the Treasury had decided that the claimant, under the law of 1832, was entitled, whether the land he settled had been surveyed or not?

Mr. WALKER replied in the affirmative.

Mr. MORRIS thought that the Secretary had decided wrong, and that the law of 1832 never contemplated applying to unsurveyed lands. This law spoke of quarter sections; and how could the settler prove a quarter section unless the land had been surveyed? Mr. M. said he was for extending every encouragement to settlers on the public lands, by a reduction of prices, as far as any gentleman would go; but he was not in favor of pre-emptions, as he thought the system had not worked well. If claimants under the pre-emption laws had been prevented, by any fault of the Government, from completing their proof, he would grant relief in individual cases, as they were substantiated; but he was opposed to any general law, which must necessarily lead to great difficulties and embarrassments.

Mr. EWING, of Ohio, denied that he had made any general accusation against the settlers on the public lands. What he said was, that numerous frauds and purjuries had been committed with regard to the public lands, of which their tables groaned with the fullest evidence, and that these persons whom he begged leave

still to designate as rascals, would avail themselves of the provisions of this bill, to perpetrate more frauds and perjuries. The Senator from Mississippi might say, if he chose, that there was not a rascal in the West, but he knew that innumerable frauds and perjuries had been committed there, and their files showed abundant evidence of it. He cast no general imputation on the settlers of the West; he considered himself one of them, and it was natural for him to speak of them, as he did, in the most favorable terms.

Mr. E. recapitulated his objections to the bill, and enlarged on the evils that would grow out of it. He denied that the claimants under the laws of 1832 and 1834 had any vested rights in the lands—his colleague having well said that the act of 1832 never contemplated applying to unsurveyed lands. He agreed that the checks and guards in this bill would, to some measure, prevent the reception of false evidence, but not to the extent desired. He had no sort of doubt but that an individual might so disguise himself as to personate ten or fifteen different claimants. This had been done before, and would be done again. Experience had sufficiently shown them what frauds could be perpetrated under these pre-emption laws. In one case an individual settled on a tract of land in the neighborhood of a fort, and the courts had decided that he was entitled to his pre-emption, because it was public land, though the tract was worth five hundred thousand dollars. Suspicions were entertained that the Register and Receiver were interested with him; but this was of no avail, as it could not be proved. Mr. E. said it was not out of want of regard to the actual and honest settlers that had gone upon the public lands that he opposed the bill, but it was to guard against fraud, perjury, and speculation, that he had set his face against it.

Mr. WALKER said that if the term "public lands" comprehended unsurveyed lands, these settlers undoubtedly had vested rights in the lands they claimed. This question was first raised in 1833, and was referred by the Commissioner of the General Land Office to the Secretary of the Treasury, who solemnly decided that pre-emptioners on the unsurveyed lands were entitled to their pre-emptions, because they were as much public lands as those that had been surveyed. To be sure, they were required to make their proof in two years; but, by omitting to appoint a surveyor, they were deprived of the chance of doing so.

Mr. CLAY said if there was any one thing on which he supposed the mind of Congress was made up when he first came here this winter, it was to put an end to this nefarious system of pre-emptions. He had been informed, by the most undoubted authority, that printed affidavits were regularly sold in the market at New Orleans, containing all the requisites to establish a good pre-emption claim. On one occasion the Governor of Louisiana was called on to certify an affidavit purporting to have been signed by a justice of the peace who he knew was one hundred and fifty miles off; and on another he was called on, with the signature of a justice he had suspended from office six months before. While the system was liable to such glaring abuses, he hoped gentlemen would not agree to extend it.

Mr. KING, of Georgia, contended that it never could have been the intention of Congress to extend the privilege of pre-emptions beyond the surveys, and beyond the civil organization of the country; and it was apparent on the face of the act that it was only intended to apply to surveyed lands. This act ought to be construed like all other acts, by considering the whole of it, in order to arrive at its true meaning.

[Mr. K. here read the act.]

How could this act designate a quarter section as the portion for each settler, unless it was intended to apply to surveyed lands? If there was to be a general scramble for the public lands, let the poor honest man every where have a chance, as well as these pre-emptioners. Let us, said he, understand the grounds on which we legislate, and not hold out advantages, as was done by this bill, to lawless depredators, and who drive out every honest man from competition with them. He considered the system under which they had acted ever since the pre-emption laws commenced, as disgraceful to the Government, and as a reward for the violation of the laws. He had not read the review referred to by the Senator from Mississippi; but, on hearing the extract read by the gentleman, he could not but be struck with the remarkable intelligence of the people on the other side of the water, with regard to their opinions of those persons he termed squatters. The gentleman was more comprehensive than he was in his application of the term "squatters," for he applied it to the first settlers at Jamestown, to the pilgrims, and even to Columbus; and he said that they were squatters who saved New Orleans, and would have conquered at Bladensburg, had they been there. Now, he was by no means so comprehensive in his application of the term. He applied it to those persons who had gone beyond the limits of the settlements, and were wholly reckless of the laws, either of God or man. They were the non-consumers of the country, performed no duties, either civil or military, and led lives without labor. They went beyond the civil organization of the country, for the purpose of driving the Indians off their lands, and eventually securing them by pre-emption, and paid a habitual disregard to all laws, human and divine, unless, indeed, it was pre-emption laws; and these they only cared for because they enabled them to sell the lands they had so lawlessly acquired. They took possession of the lands, and would not permit any man who went there to locate buy them, unless they were well paid for the permission.

From the act of 1832 it appeared evident that Congress could never have intended it to apply to lands beyond the survey. There could have been no possible motive for encouraging men who had gone so far beyond the settlements as to leave the surveys behind them.

After some remarks from Mr. BLACK, in favor of the bill, the question was taken on its final passage, and it was rejected by the following vote:

YEAS—Messrs. Benton, Black, Buchanan, Ewing of Illinois, Grundy, Hendricks, King of Alabama, Linn, Moore, Nicholas, Porter, Rives, Robinson, Tallmadge, Walker, White, Wright—17.

NAYS—Messrs. Brown, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Kent, King of Georgia, Knight, Leigh, McKean, Mangum, Morris, Naudain, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Wall, Webster—23.

THE PUBLIC DEPOSITES.

The Senate proceeded to consider the bill to regulate the deposites of the public money.

The question being on the amendment proposed by the committee—

Mr. WRIGHT (the chairman of the committee) said that his only object now was to call the attention of the Senate to that part of the bill which particularly related to the regulation of the public deposites in the deposite banks. The other part of the bill, which related to the disposition of the surplus, he should not now refer to. He wished to call the attention of Senators particularly to those parts of the bill on which some unavoidable difficulties existed, in order that they might suggest such amendments as they deemed necessary. In the third section of the bill the deposites were restricted to banks incorporated by the States, by Congress for the District

of Columbia, and by the legislative councils of the Territories. Now, there was one State in this Union (the State of Missouri) which had no bank, and the deposites of this State were made in an agency of one of the Ohio banks at St. Louis. His construction of the bill was, that it would prohibit the Secretary of the Treasury from continuing this agency; and, if he construed it in the same way, he must select, for the deposites of Missouri, some other bank nearest to that State, which must be some bank in Indiana. But Indiana would probably have as much money deposited in her banks as the bill would allow them to have. Again: in the State of Illinois there was a bank incorporated by the State laws; but it was a mooted question whether this bank was incorporated in accordance with the provisions of her constitution. In Indiana the banks were prohibited by their charters from discounting on their deposites; and therefore, being unable to use the public money committed to them, they would not consent to pay interest, in accordance with one of the provisions of the bill. With respect to the specie provisions in the bill, he thought it ought to have been more explicit on that head; but, on examining the statements of the deposite banks, he found that those of five of the States, say Virginia, Tennessee, Mississippi, Louisiana, and Alabama, would by this bill be compelled to double their amount of specie, or decline the public deposites. This provision would not affect the northern and northwestern banks, nor the banks of South Carolina, because they had more specie than was required. The bill originally provided that the power of discontinuing a deposite bank should be discretionary with the Secretary of the Treasury; but the committee had thought proper to enumerate the cases under which deposite banks might be discontinued; but in doing so, they had left the matter still doubtful, and he wished this provision to be made more explicit.

In the first section of the bill it was provided that there should not be deposited in any one bank an amount to exceed three fourths of its capital. This provision, he thought, would occasion embarrassment to the receivers of the public moneys; because they might want to deposite the public funds they had collected at a time when the bank had already received its full amount, and therefore be compelled to retain the money, or to deposite in some other bank. He thought, therefore, that the business of equalizing the deposites should be left entirely to the Secretary; and that it would be better to provide, instead of the present provision, that not more than three fourths beyond their capital should remain in each bank.

Mr. WRIGHT then proposed an amendment, which was agreed to, providing that the deposite banks shall render to the Government all the duties that were required of the Bank of the United States and its offices.

Mr. PORTER supposed that the moneys collected in Missouri might be managed by an agency of one of the New Orleans banks, or that Congress might create an agency at St. Louis.

Mr. ROBINSON stated that there were some doubts at the Treasury in relation to the State Bank of Illinois, whether it was constitutionally chartered; but he had no doubt but that the difficulty would be removed at the next session of the Legislature.

Mr. HENDRICKS thought that the provisions of the bill, with respect to the payment of interest, would effectually prevent the banks of Indiana from receiving the public deposites; because, being prohibited by their charters from discounting on them, they could make no profits out of which to pay interest.

Mr. WEBSTER said that as it was undoubtedly of some importance to a State to have these deposites, Indiana might consider it worth while to enlarge the powers of her banks. If this could not be done, an amendment might be made preventing this provision of the bill from applying to banks which were prohibited from discounting on their deposites.

Mr. HENDRICKS, in reference to Indiana enlarging the power of the banks in the particular referred to, said that the difficulty was felt last year, and an attempt was made in the Legislature for that purpose, but that it had failed. He would prefer, he said, an amendment as suggested by the Senator from Massachusetts.

Mr. BENTON observed that the Senator from New York had very properly confined his explanations to one part of the bill, without turning his attention to another subject which ought not to be in it, and which belonged to the distribution land bill. But, while he applauded the Senator for bringing to the attention of the Senate but one subject at a time, he could not agree with him as to the one he had selected. He hoped the Senator would drop the first half of the bill, and take up that part which proposed to divide the public money among the States. It would be an unnecessary labor for them to go on with their arrangements for fifty or sixty deposite banks, when, by a subsequent provision in the bill, they would have no money to deposite with them, or so small an amount that no banks of any character would think it worth while to enter into arrangements for it. He, for one, would neither compromise nor temporize with this distribution principle; the country would take care of itself; and it would be found that the vaticinations with respect to ruin from having too much money, would turn out just as did those of the panic session, about having too little. As to Missouri, she was expunged from this bill. A State which received and distributed more money than any of the western States—a State which, from her position, and her safe and rapid communication to every quarter, was the first in importance in the West to the fiscal concerns of the Government, and from whence the paymasters, quartermasters, surveyors, and Indian agents, all took their departure with their supplies of every description—was to be expunged from the bill. He did not perceive that his friend from New York had taken up the idea, suggested by the Senator from Louisiana, that the Government was to establish a bank at St. Louis, under the name of an agency, to issue five dollar notes, and to have a capital consisting of "funds and property equivalent to specie," like the District banks. His friend from New York would make no such proposition; but those who had charge of this bill had better make it, to establish a bank at St. Louis, or an agency of the Patriotic Bank of this city.

The deposite system had gone on well for two years, though it had been prophesied over and over that it would not work. Those who had made these prophecies had now the control of this bill, and they had brought it in to make their prophecies come true; for this bill was as much intended to break the deposite banks as if it was expressed so on the face of it. He was inclined to think that if Congress would let the system remain as it was, things would go on well; but if Congress undertook to expunge the system, the greatest difficulties would ensue.

Mr. WALKER referred to the provisions in the constitution of Mississippi which would prevent her from receiving any portion of the surplus to be distributed under the 13th section of the bill, and he hoped that that section would not be permitted to remain in the bill. He opposed, with great force and energy, the distribution principle in the bill; considering it, to all intents and purposes, a free gift; for, from reasons he stated, it never could be returned by the States. He also opposed the inequality of the distribution, which is proposed to be made according to the census of 1830, while Mississippi,

having more than doubled her population since that time, would not get more than one half of what her present population entitled her to. Mr. W. felt anxious that the vote should be first taken on the distribution part of the bill, as he considered it wholly unconnected with the principal object in view. If it should pass, he hoped that he might be permitted, as a Senator from Mississippi, to enter on the journal a calm, dispassionate, and, at the same time, solemn protest against it.

Mr. WEBSTER replied to the objections of Mr. WALKER. He thought that the postponement of the benefits of this bill to the State of Mississippi, till she provided by law for their reception, was not to be weighed against the general benefits of the whole.

Mr. BLACK, after taking a view at considerable length of the surplus that would be in the Treasury, and the necessity for providing some mode of disposing of it, and referring also to the distribution land bill, which he highly commended, gave it as his opinion that the great benefits to be derived from this bill were such that, though a representative of Mississippi, he must give it his support. He did not, however, apprehend the difficulties stated by his colleague, for he believed that the Legislature of his State would make such provisions as eventually to entitle her to the benefits of this bill, and in the mean time she would not be injured by the other States receiving their quotas, while hers remained waiting for her disposal.

Mr. CALHOUN denied that this was intended as a distribution bill—it was in good faith a deposite bill, and nothing more. Gentlemen on all sides, he said, admitted that there would be a very large surplus at the end of the year, and that it would continue to increase for two or three years to come. Now, he put it to gentlemen, could they consider this vast sum safe as it was? Was there not a necessity for depositing it somewhere? And where could that be so safely done as in the treasuries of the States? If the Government was only economically administered, the money would probably never be called for; but if there should be war, or if the revenue of 1842 should fall short, the States would pay it without the slightest difficulty, rather than have a direct tax, as the events of the last war proved. Mr. C. replied to the objections of Mr. WALKER, as to the inequality of the distribution, by saying that it was proposed in the only way that it could be made; that is, on the principle on which the direct taxes would have to be levied; so that if Mississippi lost now, she would have a corresponding gain when a direct tax came.

After some further remarks from Mr. C., but before the question was taken,

The Senate adjourned.

FRIDAY, JUNE 10.

CONSTITUTIONAL CURRENCY.

Mr. BENTON, in pursuance of notice given, asked and obtained leave, and introduced the following bill; which was read, and ordered to a second reading:

A BILL to re-establish the currency of the constitution for the Federal Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That bank notes and paper currency of every description shall cease to be received or offered in payment on account of the United States, or of the Post Office, or in fees in the courts of the United States, as follows: Of less denomination than twenty dollars, none after the 3d day of March, 1837; of less denomination than fifty dollars, none after the 3d day of March, 1838; of less denomination than one hundred dollars, none after the 3d day of March, 1839; of less denomination than five hundred dollars, none after the 3d day of March, 1840; of less denomination than one thousand dollars, none after the 3d day of March, 1841; and none of any denomination from and after the 3d day of March, 1842.

SEC. 2. *And be it further enacted,* That any person holding an appointment under the laws of the United States, and any bank employed to keep public moneys, which person or bank shall neglect, evade, or attempt to elude the provisions of this act, shall be guilty of an offence against the laws; and the person so offending shall be liable to be dismissed from the service, and the bank so offending shall, on satisfactory information, be discontinued as a depository of the public moneys.

INCREASE OF THE ARMY.

The Senate, on motion of Mr. BENTON, proceeded to consider the bill to increase the present military establishment of the United States.

Mr. BENTON said that this was a measure of western origin, and eminently called for by the present and prospective condition of the West. Early in the session his colleague [Mr. LINN] and a Senator from Indiana [Mr. TIPTON] had submitted resolutions calling upon the Secretary of War to report the number of Indians upon the western frontier, and to give his opinion upon the propriety of increasing the strength of the army, with a view to the security of that frontier. The Secretary had answered promptly and satisfactorily. His report, dated on the 8th of March, and No. 228 of the Senate documents, showed that the number of Indians on the western and northwestern border, including those yet to be removed by the Government, amounted to 253,000 souls; all of whom are either in the immediate neighborhood, or within striking distance, of the frontiers of Louisiana, Arkansas, Missouri, the Des Moines settlements, and the Wisconsin and Michigan Territories. At the usual proportion of warriors in an Indian population, that of one to five, this aggregate of 253,000 souls would give 50,000 warriors; being the largest Indian force ever yet arrayed on the frontier settlements of the Union. To cover the people of the West and Northwest from the incessant danger of such a vast array of savages, they had their proportion of a small army of six thousand men, which in point of effective force, and after making allowances for the casualties of service, could not be expected to present, at any one time, more than 4,500 for action. This small force, then, was divided out between the lake, the maritime, the gulf, and the western frontiers; a circuit which had been officially computed at about 12,000 miles, following its meanders, and about 9,000,* following its general courses; so that our army, if stretched round the frontier, would afford about one man to every two miles. The fortifications upon the maritime and gulf coast required a good part of this force; of that allotted to the West, a part had to be kept, not on the frontier, but at a convenient position for looking out for danger, and proceeding to meet it. It was upon this principle that a regiment was usually in the neighborhood of St. Louis; not that troops were wanted there, but that there not being a sufficient number in service to guard all the exposed points, a corps was therefore placed at a half-way point between the head and mouth of the Mississippi, and near the confluence of the Missouri, where the means of transportation were at hand, to be ready from that point to go north, south, or west, as events might require. Thus, these troops within a few years past had ascended the Mis-

* To be precise, 12,885 miles by the meanders; 9,840 miles by the general courses.—*Mr. Calhoun's report against reducing the army in* 1818, *and before the acquisition of Florida.—Note by Mr. B.*

souri; once to the Yellow Stone river; three times to the Upper Mississippi; and now were on the Red river, watching the progress of events on the Texas frontier. The result was that the West and Northwest, always insufficiently guarded, were now nearly stripped of defence; and this at a time when the Indian wars in the South were having their natural effect of exciting the Indians in all quarters, and doubling the necessity for defence where it was so much weakened. In view of all the dangers of this state of things, the Secretary of War, Governor Cass, earnestly recommends an augmentation of the army, and shows an increase to be called for, both on account of our fortifications and the inland frontier. These are his words:

"Extensive and permanent fortifications have been constructed upon the seaboard; and it seems to be generally conceded, that our most important points of communication with the ocean should be gradually rendered secure by similar works against the advance of an enemy. These forts, as they are finished, should be occupied by troops, not only to prevent such insults and injuries as large commercial places are exposed to, whose approaches are not sufficiently guarded, but also to keep the works in a proper state of preservation. These duties, it is believed, will require the artillery force proposed to be maintained. Experience has shown that we are perpetually liable to occurrences which demand the concentration and movement of the troops. Whenever these happen, the positions occupied must remain defenceless, unless a greater force is raised. This is now the state of things along almost all our Atlantic border.

"With respect to the inland frontier, circumstances of a still more imperative character require an augmentation of the army. Events have shown that our force in that quarter is not sufficient to keep the Indians in check. Disturbances are continually occurring, at comparatively short intervals, some of which terminate merely by alarming and agitating the country, while others lead to hostilities more or less extensive. On these occasions, the regular troops are collected from great distances, and a militia force is usually called out. Heavy expenditures are the necessary consequence, besides the loss of property and derangement of business in the section of country where these troubles exist. Instead of having a force at all times imbodied sufficient to overawe the Indians, or if they commence hostilities, immediately to subdue them, much time is lost in the necessary arrangements, while the spirit of disaffection is spreading, and the hostile force becomes thus greatly increased. Within the last nine years we have had four difficulties of this nature—one with the Winnebagoes, two with the Sacs and Foxes, and one with the Florida Indians; which, altogether, have occasioned great loss of property, great derangement of business, a heavy expenditure of money, and much inconvenience in those portions of the country affected by these troubles, and which furnished the militia, whose services were required to aid the regular troops in their operations. An augmentation of the army to a reasonable extent, if it did not prevent these occurrences altogether, would certainly render them less frequent, as well as less injurious and extensive. And this policy is not less humane than useful. It is far better, by the display of force, to render its actual employment unnecessary, than it is to be compelled to resort to it, with all the usual accompaniments of an Indian campaign."

A force of ten thousand men is deemed to be necessary by the Secretary of War; but, to obtain that force for service, he shows the necessity of authorizing a larger number; as the casualties of service, with rapid discharges from three years' enlistments, will make a difference of about one third between the authorized and the actual effective force. The commander-in-chief of the army, General Macomb, concurs in this opinion, and shows it to be necessary to authorize an establishment of twelve thousand men, in order to have a force of ten thousand. He thus expresses himself on this point:

"Although, according to the instructions of the Secretary of War, the organization here proposed is limited to ten thousand men, and which may be considered as a minimum force for the purposes for which the army is intended, it is respectfully recommended that, in order to have the amount of force always effective, eighteen men be added to each company of infantry and artillery, which would increase the nominal force to something below twelve thousand men; but, owing to the fact of the men being enlisted for only three years, the great distance the recruits have generally to march, and the time consumed in joining the regiments on the frontiers, and the necessity of keeping within the authorized numbers, it hardly can be expected that ten thousand men would ever be exceeded, should Congress authorize twelve thousand men, as here recommended.

"Upon a review of the fortifications which have been erected, and which are now in progress, for the defence of the seacoast, it is found that there is a considerable deficiency of artillerists to serve the guns, and to guard and preserve the forts, as well as the valuable property in them. It is therefore proposed, as above recommended, to augment the number of companies in the artillery from thirty-six, as now authorized, to forty. These companies of artillery it is proposed to distribute along the seaboard, from Eastport, in Maine, to the delta of the Mississippi; and, in order to show the proposed distribution, two tables are here annexed, marked C and D. That marked C shows how the existing thirty-six companies may be most advantageously disposed of; and that marked D, how it is proposed to distribute the forty companies. Also a list of forts on the seacoast, prepared by the adjutant general, marked E.

"The infantry force, with that of the regiment of dragoons, is best adapted to the defence of the frontiers, including the Gulf of Mexico. The present amount of infantry is not sufficient, in the opinion of the undersigned, to afford adequate protection to the inhabitants residing in the States and Territories bordering on our Indian and other frontiers, and guarding the arsenals in the southern and western States.

"If the project above recommended, of organizing the infantry, as exhibited in the paper marked B, be adopted, making the infantry consist of nine regiments, instead of seven, it is proposed that they be distributed on the frontiers, and on the Gulf of Mexico, as shown in paper marked F; which organization and distribution, it is believed, will be the most effectual for maintaining the discipline of the army, and affording protection to our extensive frontiers."

Mr. B. said that this report of the Secretary of War had been referred by the order of the Senate to the Committee on Military Affairs, and this committee had concurred in the opinion of the Secretary, and the general-in-chief of the army, that an augmentation of the troops was necessary. They believed that ten thousand men for service would not exceed the number required; and, to obtain that number for service, they fully concurred in the opinion that it was necessary to authorize an establishment of twelve thousand troops. The committee had reported their bill accordingly; and, while providing for this augmentation of the number, they had also proposed to diversify the arms of the troops, and to add riflemen and light infantry; two species of troops peculiarly adapted to frontier service and Indian wars, of which our military establishment was now destitute, and which were called for by the united opinions of military men.

Having thus explained the origin of the measure, and

the amount and nature of the force proposed to be added, Mr. B. proceeded to state the reasons why it should be agreed to. The regular troops in time of peace, he said, were wanted for four different purposes: 1st. To guard the frontiers from Indians; 2d. To garrison the fortifications; 3d. To guard the arsenals; 4th. To give security and tranquillity to some points in the South. The circuit of country thus requiring to be guarded, is equal in extent to the largest empires, and embraces a population of fifteen millions. This population includes a portion not homogeneous, and is in contact with another race, which, in three hundred years, has seldom been at peace with the whites. The western and northwestern frontier alone, from the Sabine to Lake Superior, requires an active, efficient force of six thousand men, and these consisting of four different arms--infantry, light infantry, rifle, and dragoons. The vast accumulation of Indians now upon that frontier, and the seventy-two thousand yet to be removed to it, render any number less than six thousand for active service a mere mockery of defence to the people; a show to lull them into security, without being able to arrest incursions when they come. Of those tribes now on the western frontiers, many are warlike and numerous, and have never yet felt the power of our arms. The Camanches, the Pawnees, Blackfeet, and Sioux, are of this description. They have been killing and plundering our traders and hunters for years; and, from the impunity they have enjoyed thus far, are emboldened to more daring enterprises. Of the Indians removed, many are finely equipped with arms, horses, and ammunition, obtained from the United States as the inducement to their removal. Of those yet to be removed, seventy-two thousand souls in number, yielding a roll of twelve thousand warriors, seven thousand are the Seminoles, now engaged in the Florida war, and twenty-five thousand are the Creeks, now engaged in the Alabama and Georgia war. The origin of these wars is in the refusal of these Indians to remove according to the treaties which they have made. When the wars are over, removal will ensue. Removal is the end of war; and thus, after resistance is subdued by killing a part of the warriors, the removal of the remainder commences.

A mass of thirty thousand Indians, now in arms, are to be removed to the West the moment they agree to go; and go they will, their hands well supplied with arms, munitions, and horses, by the United States, and their bosoms well filled with hostile feelings from the memory of their losses, and what they consider to be their wrongs. Indians had gone to the West from New York, Ohio, Indiana, Michigan, and Illinois; from Georgia, Alabama, and Mississippi; and were yet to go from all those States, and from North Carolina and Tennessee. To relieve the old States from a useless and dangerous population, and to provide better homes for themselves, these Indians were removed to the West; but it was a mere transfer, not an extinction of danger; on the contrary, the danger became greater from the removal, for it was a concentration of the savages upon a weak frontier, and in contiguity with numerous warlike indigenous tribes which had never yet felt the power of the white man. Western members had agreed to this removal, for the benefit of the older States; but they had done so under the belief and conviction that they were to have a competent military force to guard against this transferred and accumulated danger. Up to this moment they had never had such a force. There never has been a force on the West and Northwest, since the removals began, competent to guard it. So far from it, the few troops which could be spared for that frontier were scattered at wide intervals upon a line of immense extent, and the largest body was stationed midway between the head and the mouth of the Mississippi, to be ready to proceed in any direction that danger threatened. This body was now upon the southwestern frontier, called to Natchitoches by the events in Texas; and the West and Northwest were almost destitute. Mr. B. looked upon it as the sacred duty of the States which had transferred their dangers and burdens to the West, to transfer succor there also, and confidently appealed to the Senators from those States to vote the increase of troops which the War Department recommended, and which the committee had reported. To other Senators he appealed in the name of that constitution which had for its first object the common defence of the whole Union; and to every friend of the West he presented the picture of fire and blood, of burnt houses, devastated fields, slaughtered inhabitants, unburied dead, food for beasts and vultures, which now disfigure the soil of Alabama, Florida, and Georgia, and demanded if they were willing to see these horrors repeated and multiplied upon the borders of Louisiana, Arkansas, Missouri, the Des Moines, Wisconsin, and Michigan?

Mr. B. said there had been three different periods, under republican administrations, when the military peace establishment of the United States had been fixed by law, and on each occasion had been fixed at a larger number, the relative condition of the country considered, than the present bill proposed. The first of those periods was in the year 1802, the first of Mr. Jefferson's administration, and when the larger part of the troops raised in Mr. Adams's time was disbanded. Mr. Adams left a military peace establishment of 5,438 men and officers; Mr. Jefferson reduced it to 3,323. This was done in the year 1802; and this establishment of Mr. Jefferson was greater, in proportion to the state of the country, than 12,000 would be now. Louisiana and Florida were not then acquired; our territorial limit has doubled since that time; our population is trebled; our revenues quadrupled. The frontier line of posts actually occupied by our troops then was in Georgia, Tennessee, Kentucky, and Ohio; it is now in the Gulf of Mexico at Key West, at Pensacola, Mobile, New Orleans, the Sabine, Natchitoches, Red river, the Arkansas, the Kansas, Des Moines, Prairie du Chien, the Falls of St. Anthony, Lake Winnebago, and the outlet of Lake Superior, with occasional expeditions to the foot of the Rocky mountains, and to the confines of Mexico. Thus, allowing for the increase of territory, for the extension of the line occupied, and for the increase of wealth and population, an establishment of 12,000 men now would be less in proportion than the reduced establishment of Mr. Jefferson was in 1802.

The next period of comparison to which Mr. B. referred, was that of the year 1808—the last year of Mr. Jefferson's administration, when the military establishment, under a slight stimulus from "specks of war on the horizon," no way comparable to the black clouds which now hang over the South, was augmented to an aggregate of 9,996. Thus, Mr. Jefferson left a military establishment about 4,000 stronger than the one which now exists, and within 2,000 of being as strong as the one now proposed. The establishment which he left when he went out of office was four men less than 10,000, and we have but 6,000 to-day. An augmentation of the army, at this time, upon the basis of that which he left twenty-eight years ago, would give a force of 24,000 men.

The third period of comparison to which Mr. B. referred, was that of 1815, at the conclusion of the war with Great Britain, and when the war establishment was reduced and adapted to the state of universal peace which then prevailed. A peace establishment of 20,000 men was then the policy of Mr. Madison's administration; 15,000 was voted by the Senate; 10,000 rank and file was finally agreed upon in conference between the

two Houses of Congress, with additions in ordnance, engineers, officers, &c., which presented an aggregate of 12,656. This was twenty-one years ago, and before the acquisition of Florida; and a relative increase upon that basis at the present time would give an establishment of about 20,000 men. But the bill now before the Senate does not propose to take the establishment of 1815 for a basis to be built upon, but as a limit to be governed by. It proposes, in fact, the same numerical strength which was then retained; and dispenses with part of the general staff and with some parts of the organization.

Mr. B. said that the establishment of 1815 was confirmed in 1818; for at that time a proposition was made in Congress to reduce the army, but failed under the cogent reasons which were given for keeping it up to that number. A call was made from the House of Representatives in April, of that year, upon the Secretary of War, to report to the next session of Congress upon the military establishment, and whether "any reduction could be made with safety to the public service." The then Secretary (Mr. Calhoun) reported on the 11th of December following; and that report, which was against reduction then, furnishes such strong reasons for augmentation now, that I must be permitted to avail myself of a portion of its reasoning. The Secretary says:

"Our military establishment is limited by the act of 1815, passed at the termination of the late war, at 10,000 men. The corps of engineers and ordnance, by that and a subsequent act, were retained as they then existed; and the President was directed to constitute the establishment of such portions of artillery, infantry, and riflemen, as he might judge proper. The general orders of the 17th of May, 1815, fix the artillery at 3,200; the light artillery at 660; the infantry at 5,440; and the rifle at 660. Document A exhibits a statement of the military establishment, including the general staff, as at present organized, and B exhibits a similar view of those of 1802 and 1808; by a reference to which it will appear that our military establishments at the respective periods, taken in the order of their dates, present an aggregate of 3,323, of 9,996, and of 12,656. It is obvious that the establishment of 1808, compared with the then wealth and population of the country, the number and extent of military posts, is larger in proportion than the present; but the unsettled state of our relations with France and England at that period, renders the comparison not entirely just. Passing, then, that of 1808, let us compare the establishment of 1802 with the present. To form a correct comparison, it will be necessary to compare the capacity and necessities of the country then with the present time. Since that period, our population has nearly doubled, and our wealth more than doubled. We have added Louisiana to our possessions, and with it a great extent of frontier, both maritime and inland. With the extension of our frontier, and the increase of our commercial cities, our military posts and fortifications have greatly multiplied. * * * If, then, the military establishment of 1802 be assumed to be as small as was then consistent with the safety of the country, our present establishment, when we take into the comparison the prodigious increase of wealth, population, extent of territory, number and distance of military posts, cannot be pronounced extravagant; but, on the contrary, after a fair and full comparison, that of the former period must, in proportion to the necessities and capacities of the country, be admitted to be quite as large as the present; and on the assumption that the establishment of 1802 was as small as the public safety would then admit, a reduction of the expense of our present establishment cannot be made with safety to the service by reducing the army."

Resuming his remarks, Mr. B. said it would be remembered by the Senate that this report, from which he had read, was made in the year 1818; that it referred to the peace establishment of 1815; that this establishment presented an aggregate of 12,656; and that it was now proposed by the bill before the Senate to raise the future peace establishment to 12,000; in other words, it was proposed to re-establish in 1836, the peace establishment of 1815; that is to say, of twenty-one years prior date. In these twenty-one years the population and wealth of the country had nearly doubled; Florida had been acquired, the military posts and fortifications had increased, and in the Gulf of Mexico had been extended; the Indians had been accumulated upon the weakest frontier of the Union; any and every reason for a military peace establishment was greater now than it was then. He (Mr. B.) claimed, then, and appropriated to the present occasion, every word of the report of 1818, in favor of augmenting the army now, which was used against reducing it then; and he claimed for every one of these words double as much force now as it had then, the wealth and population of the country being so much greater. They would justify an establishment of 20,000 men at this time. The effect of this report upon Congress was the next point which Mr. B. would bring to the notice of the Senate; and he did so with pride and satisfaction. The effect was decisive upon that body. It stopped the movement to reduce the army! It left the establishment of 1815 as it was! It left the establishment of 12,656 troops, with their two major generals, four brigadiers, and the whole general staff, precisely as it was! The whole scheme of reducing the army failed at that time; and this, let it be well remembered, was before the acquisition of Florida; that acquisition which has given us the double line of coast of that peninsula to guard, with the important stations of Key West, Tampa bay, St. Mark's, and Pensacola. This important territorial acquisition, and where an obstinate war is now waged, would justify the increase of a thousand men upon the establishment of 1815, without taking into view the increase of wealth and population. Mr. B. wished it to be particularly noted that, while the bill before the Senate only proposed to revive the military peace establishment of 1815, yet there were three distinct reasons why a larger establishment than that might now be asked for, namely: 1. The acquisition of Florida, which took place in 1819. 2. The accumulation of Indians on the western frontier. 3. The increased wealth and population of the country. These reasons all applied in favor of a permanent peace establishment, while the wars with the Creeks and Seminoles required additional regular troops. General Scott had earnestly applied for them, had earnestly called for filling up the ranks early, so as to have the recruits trained for service by the commencement of the winter campaign in Florida.

Mr. B. said that, besides the augmentation of the army, a diversity of arms was proposed, by reviving a light infantry and a rifle regiment. The open order and quick evolutions of the light infantry made that species of force peculiarly proper on the frontier, and against Indians; and as for the rifle, it was the natural weapon whose fame was identified with the American name in all its wars, civilized and savage, from the first settlement of the country down to the most glorious battle of the San Jacinto. That weapon should be preserved and cherished in the American army.

But it will be said the army was actually reduced; that it was reduced to six thousand men. This (Mr. B. said) was true; but it was not reduced in 1818, nor at any period that the Treasury was in the condition that it was at the time of that report, or at the present time. It was reduced in 1821, when the public Treasury, from a

dream of inexhaustible surplus, was suddenly awakened to the reality of a deficit! and when every branch of the public expenditure, on which curtailment could be made to fall, was brought to the test of retrenchment, and placed under the edge of the pruning knife. The army, of course, was a subject for the operation, and underwent the largest amputation; the navy, the fortifications, and other branches, were also largely cut down. Mr. B. said that he here touched a point in our history which was pregnant with instruction, and very fit for reflection and meditation, now when we had reached another point of similar character, and to be followed by similar consequences. History was said to be philosophy teaching by example. If it was so, philosophy must have lost her capacity to teach—at least to teach the Congress of 1836—if the lesson of 1817, 1818, 1819, 1820, and 1821, can be lost upon us. Our financial condition was, in the beginning of that period, what it now is—a full and overflowing Treasury; it was, at the end of that period, what it will probably be in two or three years again, drained to the bottom, and entirely empty! Thus, in June, 1817, we had in the Bank of the United States, besides many millions in the name of public officers, the sum of $15,935,050 standing to the credit of the Treasurer of the United States; in June of the next year, that sum was reduced to $6,686,387; in June, 1819, it was reduced to $1,500,035; in June, 1820, it was $946,115; in December of that year, it was $388,210; and in the first quarter of 1821, the public money in the bank was exhausted, and the sum of $1,044,539 was overdrawn! In less than four years, the vision of an inexhaustible surplus had ended in the reality of a deficit of a million! and this without having had recourse to any schemes of distribution, by gift or loans, to get rid of it, and in defiance of retrenchment, curtailment, and economy, exerted to the uttermost in 1819, 1820, and 1821, to prevent a recurrence to taxes or loans. The navy appropriation for the gradual increase was cut down from a million to a half million; fortifications were reduced from about eight hundred thousand dollars per annum to about three hundred thousand dollars; and in 1821 the army was reduced to six thousand men. This is the brief history of the surplus of 1817, and the deficit of 1821. The same cause made the surplus then which makes it now: multiplication of banks, profuse issues of bank notes, loans to every body, great importations of goods, and large sales of public lands; all growing out of the wild spirit of speculation engendered by the paper system, and the universal receivability of bank notes by the General Government for lands, duties, and post office charges; the same cause made the deficit which will soon make it again—the contraction and revulsion of the paper system!

Mr. B. said the question of augmenting the army had been incidentally discussed in the course of the debate on the fortification bill, and the old and popular objection—the danger of standing armies in time of peace—was pressed into service, and made to do hard duty in a case in which the objection could have no application at all. Vain was the fear, idle the alarm of danger, of fifteen millions of people from twelve thousand of their countrymen, enrolled upon a military peace establishment, and scattered on a circuit of nine thousand miles! But the answer which the same objection received in 1818 from the Secretary at War, [Mr. Calhoun,] from whose report he had just read, was so just and striking, so true in reference both to the military and to the people, that he would dispense with his own remarks, and adopt those of that Secretary. They are:

"To consider the present army as dangerous to our liberty partakes, it is conceived, more of timidity than of wisdom. Not to insist on the character of the officers, who, as a body, are high-minded and honorable men, attached to the principles of freedom by education and reflection, what well-founded apprehension can there be from an establishment so small, distributed on so extended a frontier, with many thousand miles between the extreme points occupied? But the danger, it may be said, is not so much from its numbers, as by a spirit hostile to liberty, by which, it is supposed, all regular armies are actuated. This observation is probably true when applied to standing armies, collected into large and powerful masses; but, dispersed as ours is, over so vast a surface, the danger, I conceive, is of an opposite character—that both officers and soldiers will lose their military habits and feelings, by gliding gradually into those purely civil."

Having shown the reasons in favor of this augmentation of the regular army, and answered the objections to it—having shown that the reduction in 1821 resulted entirely from the deficit in the Treasury, an objection which could no longer prevail, as the Treasury was now distressingly, and, to some gentlemen, alarmingly full—he would repeat that this augmentation was a western measure, called for by western voices, and due to the state and condition of that section of the Union. To provide for the common defence was the first object of the confederacy of these States; and it was by troops that the West was to receive her portion of this common defence. Forts and navies belonged to the seacoast—armed men to the inland frontier. The Secretary of War, (Governor Cass,) in laying down a general plan of national defence, has indicated, with a masterly hand, the wants and remedies of the West. A military road in the rear of the States and Territories, from the Sabine to the Wisconsin—a chain of posts at intervals along the whole route—an increased force of different arms to traverse the country, and to make occasional expeditions to distant points—such is his recommendation; and it now only awaits the sanction of Congress to carry it into effect, and to give to the great West the protection which her position demands, what the constitution guaranties, and what the accumulation of Indians upon her border converts into a debt of justice, and an obligation of high and sacred duty.

Mr. NICHOLAS moved to recommit the bill, with instructions to report an organization precisely similar to that which was adopted for the peace establishment in 1815.

After a few words from Mr. BENTON, in opposition to the motion,

Mr. PRESTON took a view of the altered condition of the country within a few years. In consequence of the progress made in the manufacture of arms, and in the knowledge of their use, we have become an armed population. The extraordinary concentration of Indian forces on our frontier has, indeed, rendered it necessary that the Government of the United States should adopt a system of preparation corresponding with this aspect of things. But our Indian frontier is not now as exposed and as difficult of defence as it was fifty years ago. The increase of a population abounding in arms and provisions, and having all the facilities which can be obtained from the application of steam to our roads and rivers, and also the additions made to our military strength, have placed all our western frontier in a state of comparative security. He went on to speak of the degeneracy of the Indian character, and the numerical diminution of the tribes; but at the same time admitted that the provident care of the Government ought to be exhibited in extending to the frontier a proper degree of protection. He inferred, from a general survey of the facts, that an increase of the army is necessary, and the only difficulty was as to the extent of such increase. At present, we have thirteen regiments in service, amounting to

about 6,000 men. There are 40 or 50 in each company. The present bill increases the number of the company to between 80 and 90. It was his opinion that the companies ought to be so increased as to make an aggregate of about 9,000. The object had been to increase the efficiency of the army, without disturbing its organization. There had been found to be a great deficiency in the staff, which was totally inadequate to the performance of the duties required of it. Much had been done to make the staff more efficient, and more was in progress. The staff of the Inspector's and the Quatermaster's departments demand an increase. He was willing that there should be a general recommitment of the bill, so as to obtain the sense of the Senate as to an increase of the army.

Mr. CALHOUN called for a division of the question, so as to take the question first on the recommitment generally, and afterwards on the instructions. He had thought that there ought to be an increase of the army by filling up the companies; but he was opposed to a new organization of the army. There was nothing in the character of our foreign relations to shake the belief that it would depend on our own prudence only to remain at peace with all nations. It was only in reference to our Indian relations that any additional force was necessary. He would be willing to give as much increase as would place us in a situation of defence, but not a man more than was necessary for that purpose.

Mr. PORTER concurred in the opinion of the gentleman from South Carolina, that there was sufficient cause for an increase of the army. The capacity of the country to bear the expenses of a standing army was now sufficiently established; and as to the dangers to be apprehended from a standing army to our liberties, there could be no ground for that apprehension while the army was kept to a minimum of thrice the amount of men now asked for. The general knowledge of the use of arms which pervades the country is the best security for the rights and liberties of the people which can be provided. He considered the United States boundary as more extensive than it has been at any former period. He admitted that the Indian tribes were incompetent to carry on any prolonged warfare with the United States; but they ought to be prepared to meet those sudden outbreaks, which always inflicted severe wounds on the country before the enemy could be found and repelled. The people do not ask that kind of protection which comes after their homes are destroyed, and their plantations devastated. The protection they ask is that which will prevent those evils. Burning with indignation, fired with a sense of their wrongs, the vast body of Indians now to be removed will go to their new homes with feelings excited to the desire of vengeance. It only required a man of commanding genius to unite the Indians, and lead them on, to bring the entire race along our frontier into the field against the United States; and the powers and energies of the Camanches alone are sufficient to render that tribe a most formidable enemy. He should vote for the recommitment with instructions.

Mr. PRESTON repeated what he had before stated as to the extent of the Indian frontier, and went more minutely into detail, in order to show that he had underestimated the extent, rather than gone beyond it. It was necessary to give a fair defence to that frontier, not by drawing a line of river fortresses, but by giving a sufficient force. Two regiments of dragoons have been given to the gentlemen from the West. Do they want another regiment, let them take it. It was useless to carry on a war in the swamps, where the army might as well be sent to hunt a deer or a rackoon as an Indian. But, in the western prairies, it is different. The Camanches are mounted Tartars, and strike from a distance, and they must be encountered by dragoons. He would not oppose any measure to give the utmost defence to the frontier settlements; but it was not in the power of Government to give them full and perfect defence. He touched on the situation of our southwestern frontier, and expressed a hope that the day was not distant when, instead of calling Fort Towson our southwest post, we should have our forts on the Rio del Norte.

Mr. PORTER said a few words in explanation of his former remarks.

Mr. BENTON protested against the recommitment, which must be entirely useless without the instructions, so as to put the committee in possession of the sense of the Senate.

The bill was then ordered to be recommitted.

The question being then on the instructions to the committee,

Mr. CALHOUN moved to lay the subject on the table, in order to take up the special order. He withdrew his motion, and

Mr. PORTER expressed his hope that the question would be taken, as the bill was already committed, and it was important to take the question on the instructions.

Mr. BUCHANAN asked what was the strength of the army in 1815.

Mr. BENTON replied that the total of the army in 1815, was 12,656.

Mr. PRESTON said that, if the Senator from Louisiana would withdraw his instructions, he would move to fill up the rank and file of the companies to a specific amount, without touching the organization.

Mr. CALHOUN was against any instructions.

Mr. PORTER called for the yeas and nays; which were ordered.

Mr. BENTON made some observations on the increased extent of our boundary, and ridiculed the idea of transporting by steamboats a sufficient force to protect that frontier. He adverted to the destruction of life and property which had been already perpetrated, and stated that the West must have the defence to which it was entitled. The attention of the Senate, he complained, could not be diverted from the subject of surplus revenue, to the situation of our citizens on the frontier. This bill was western in its object and its origin. The whole of the West were calling for it, and he was glad the yeas and nays were ordered.

Mr. LINN read an extract from the report of the Secretary of War, in which it was estimated that when the whole of the Indians intended to be removed shall be concentrated on the western shore of the Mississippi, they will amount to 250,000. He added a few words in favor of the concentration of a military force on the frontier, to protect it against the danger to be apprehended from this larger force.

Mr. CALHOUN took a view of the present force of the country, and indicated in what manner the regiments we now have might be stationed, in order to effect an efficient defence of our frontier. He was disposed to fill up the companies, so as to render the regiments more competent.

Mr. CLAY thought it unnecessary to go into a general discussion of the necessity of increasing the army. No Senator would hold himself committed by instructions, when the whole question of the policy of any increase shall come up for discussion. He smiled at the picture which had been drawn of our danger. One would have supposed that all at once a gallant nation of some millions had been suddenly precipitated on our frontier, instead of a few miserable Indians. He saw no necessity for any increase of the army.

The question was then taken on the instructions, and decided as follows:

YEAS—Messrs. Benton, Black, Buchanan, Cuthbert, Grundy, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Porter, Ruggles, Tallmadge, Tipton, Walker, Wall, White, Wright—18.

NAYS—Messrs. Brown, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, Knight, Leigh, Mangum, Moore, Naudain, Prentiss, Preston, Rives, Robbins, Robinson, Shepley, Southard, Swift, Tomlinson, Webster—25.

MEETING OF CONGRESS.

The following message was received from the President of the United States:

To the Senate of the United States:

The act of Congress "to appoint a day for the annual meeting of Congress," which originated in the Senate, has not received my signature. The power of Congress to fix, by law, a day for the regular annual meeting of Congress is undoubted; but the concluding part of this act, which is intended to fix the adjournment of every succeeding Congress to the second Monday in May, after the commencement of the first session, does not appear to me in accordance with the provisions of the constitution of the United States.

The constitution provides—

1st article, 5th section—"That neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting."

1st article, 6th section—"That every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on the question of adjournment,) shall be presented to the President of the United States, and, before the same shall take effect, shall be approved of by him," &c.

2d article, 2d section—"That he (the President) may, on extraordinary occasions, convene both Houses of Congress, or either of them; and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such times as he thinks proper," &c.

According to these provisions, the day of the adjournment of Congress is not the subject of legislative enactment. Except in the event of disagreement between the Senate and House of Representatives, the President has no right to meddle with the question, and, in that event, his power is exclusive, but confined to fixing the adjournment of the Congress whose branches have disagreed. The question of adjournment is obviously to be decided by each Congress for itself, by the separate action of each House for the time being, and is one of those subjects upon which the framers of that instrument did not intend one Congress should act, with or without the executive aid, for its successors. As a substitute for the present rule, which requires the two Houses by consent to fix the day of adjournment, and, in the event of disagreement, the President to decide, it is proposed to fix the day by law, to be binding in all future time, unless changed by consent of both Houses of Congress, and to take away the contingent power of the Executive, which, in anticipated cases of disagreement, is vested in him. This substitute is to apply, not to the present Congress and Executive, but to our successors. Considering, therefore, that this subject exclusively belongs to the two Houses of Congress, whose day of adjournment is to be fixed, and that each has at that time the right to maintain and insist upon its own opinion, and to require the President to decide in the event of disagreement with the other, I am constrained to deny my sanction to the act herewith respectfully returned to the Senate. I do so with greater reluctance, as, apart from this constitutional difficulty, the other provisions of it do not appear to me objectionable.

ANDREW JACKSON.

WASHINGTON, *June* 9, 1836.

The message was ordered to be printed, and made the order for Wednesday next.

PUBLIC DEPOSITES.

The Senate proceeded to the consideration of the bill to regulate the deposites of the public money.

Mr. WRIGHT moved several amendments; which were agreed to.

Mr. LEIGH moved an amendment, providing that each bank shall have on the — day of —, and thenceforth keep in its vaults, specie to the amount of one fourth of its business capital. [The object of the amendment is to impose on every bank, desirous to become a deposite bank, the condition specified, that it must have within its vaults, previous to the day named, the proportion of specie, in order to qualify it to become a deposite bank. It is optional with the bank to accept or reject the deposites under this condition.]

Mr. WEBSTER pointed to a state of circumstances, contingent but not improbable, when it would be found that our specie basis is not sufficiently broad; and inasmuch as this bill would have the effect of coercing banks to keep a certain amount of specie in their vaults, it would be a restraint on exportation, and beneficial to the country.

Some discussion took place between Mr. EWING of Ohio, Mr. BUCHANAN, Mr. GRUNDY, Mr. CRITTENDEN, Mr. MORRIS, Mr. WALKER, and Mr. CALHOUN; and, before any question was taken,

The Senate adjourned.

SATURDAY, JUNE 11.

SICK AND DISABLED SEAMEN.

Amongst the ordinary business transacted to-day—

Mr. CRITTENDEN moved to reconsider the vote by which the bill in addition to an act for the relief of sick and disabled seamen had been ordered to be engrossed.

Mr. CRITTENDEN stated his object to be to strike out the words "rafts, flats," so as to exempt them from the tax of twenty cents per month for each person employed in navigating such craft.

After some observations from Mr. DAVIS and Mr. PORTER, the motion to reconsider was agreed to.

Mr. CRITTENDEN explained that he desired to amend the bill in the manner he had indicated. He wished the navigators of the flat boats and rafts to have the benefit of the hospital fund; but he thought this small charity might be allowed them without imposing any tax. It was melancholy to see the decay of this mode of navigation. Time was when the flat boat moved in stately grandeur down the Ohio, the monarch of the stream; but now the few of this kind of craft left were glad to slink out of the way of the steamboats which had usurped their sovereignty. It was a melancholy illustration of the mode in which old things are giving place to new.

Mr. DAVIS replied that the whole proceeds furnished by the West towards the fund, last year, was four thousand dollars. The committee had been satisfied that some negligence existed. There were facts to prove that the collector at Louisville had received five or six thousand dollars for the fund, but had rendered no account whatever. How much farther this negligence had extended could not now be known. He was happy to say that the Treasury Department had in this case removed the collector, and appointed another in his room. Steamboats were liable to this tax, as much as vessels employed on the ocean, and it was but just that all who

participated in the benefit of the fund, should in some measure contribute to its support.

Mr. CRITTENDEN moved a proviso, to attain the object he contemplated.

Mr. DAVIS said he was indifferent about the result. If the Senate thought proper to adopt the proviso, he should make no objection.

Mr. HENDRICKS desired the adoption of the proviso, and did not feel disposed to vote for the bill unless something of the kind should be inserted.

Mr. LINN wished to offer an amendment, as soon as it should be in order.

The proviso was then agreed to.

Mr. LINN then moved his amendment, providing an appropriation for the erection of hospitals at such points in the West as the Secretary of the Treasury may indicate.

Mr. DAVIS replied that only three hospitals had as yet been erected in the United States. Where there are no hospitals, there have been contracts with individuals for the purpose of taking care of any sick or disabled seamen who may require such care. He thought it might be desirable to increase the number of hospitals, but he was not now prepared to decide where they should be erected. He recommended the withdrawal of the amendment, and expressed a hope that a liberal sum might be voted in the appropriation bill, for the purpose of putting up hospitals.

Mr. LINN disclaimed any intention to embarrass the bill, and said he should vote for it, either with or without the amendment. He had no objection to withdraw his amendment, if another bill was likely to come before the Senate.

The amendment was withdrawn.

Mr. CLAY concurred in the object of the Senator from Missouri, believing that the western waters had a strong claim on the liberality of the Government. A liberal appropriation ought to be made, but as it was suggested that the object might be attained in another way, he would not press the proposition.

The bill was reported as amended, and the amendment was concurred in.

After some further conversation between Mr. HENDRICKS, Mr. LINN, Mr. PORTER, and Mr. DAVIS, the bill was ordered to be engrossed.

On motion of Mr. BENTON, the Senate proceeded to the consideration of executive business; and after remaining for some time with closed doors, on reopening them,

The Senate adjourned.

MONDAY, JUNE 13.

Mr. HUBBARD presented the credentials of JOHN PAGE, elected a Senator from New Hampshire, to fill the vacancy occasioned by the resignation of ISAAC HILL. The credentials were read, and Mr. PAGE having appeared, was sworn, and took his seat.

TEXAS.

Mr. CLAY presented a memorial from sundry citizens of Shelby county, in the State of Kentucky, praying for the recognition of the independence of Texas. This memorial was subscribed by many citizens, several of whom were personally known to him as among the most respectable in the highly respectable community to which they belonged. As a committee, of which he had the honor of being a member, was now deliberating upon the subject of the memorial, he would now not say more than to move the reference of the memorial to the Committee on Foreign Relations; which was accordingly ordered.

Mr. NILES presented certain resolutions of the Legislature of the State of Connecticut, on the same subject.

Mr. N. said he had received, and proposed to present to the Senate, certain resolutions of the Legislature of Connecticut, regarding the independence of the province of Texas. In the discussions which, on several occasions, had taken place during the session, upon this interesting question, he had not participated, nor would he now submit but a few remarks on the subject. The resolutions he had to offer were of very different character, and he thought entitled to much more respect than those which had been received from other quarters, which had come from popular meetings, or memorials of individuals, and from places where there were some reasons to suspect that private interests, connected with land speculations in that country, may have had some agency in the proceedings. These resolutions did not come from individuals, or any combination of citizens; they were from one of the sovereign States of this Union, and he felt bound to ask for them the respectful consideration of the Senate. It was also worthy of remark, that the first State which should raise its voice in favor of the independence of Texas should be one in a remote part of the Union, where no interested motives would be supposed to operate; from whence there had been no emigrants to that country, and where no sympathies can exist springing from that source.

It is also worthy of special observation, that the first State which has, through its Legislature, urged the recognition of the independence of Texas, is in an opposite section of the Union, and which from its position might be supposed to feel some apprehension or jealousy of an extension of the territory of the republic on its southern border. This is a strong fact, going to prove that, notwithstanding all that is said about local interests, and the jealousy in one section of the Union of the increasing power and importance of opposite sections of the republic, there is, in reality, but little foundation for such opinions among the people or their immediate representatives.

In the statements contained in these resolutions, so far as relates to the contest now going on in Texas, he presumed there would probably be little diversity of opinion. All must execrate the barbarous and savage warfare which has been carried on by the Mexicans, disgraceful to a people making any claims to civilization; all must sympathize with the inhabitants of Texas in this war of extermination which has been waged against them; and all must admire their courage, perseverance, and daring achievements.

But the conclusion, as stated in the preamble to these resolutions, that the events which have transpired are sufficient evidence of the ability of the Texians to maintain their independence, and that it has become the duty of this Government to recognise it, may not be so readily assented to. The existing power of Mexico, which is in a great degree concentrated in one man, may be regarded as overthrown and prostrated, as that man is now a prisoner, and his forces broken and routed. The power of the present, perhaps he ought to say late, ruler of Mexico, is probably at an end. But is that decisive of the fate of Texas? He hoped it might prove so; but it was evident this must depend on the course pursued by the Mexican nation. Will they give up the contest, and consent to the separation of the province of Texas; or will they continue the war, and attempt to maintain their dominion over it? We must look beyond the present aspect of affairs, into the real condition and resources of the parties. If the Mexican nation determine to prolong this war, are the people of Texas capable of sustaining themselves through a protracted struggle? That they have an army sufficiently numerous and brave might be admitted; but has the country sufficient population and resources to sustain a war of any considerable dura-

tion? There were, he believed, but about sixty thousand souls in Texas proper, and only one hundred and fifty thousand in the whole territory, including the State or province of Coahuila. He thought it premature to act on this question at this time, and that some delay was necessary for the developing of events, and the condition of that country to become more settled. But however small may be the population of that country, and however feeble, compared with the great Powers of the earth, yet if they should make up in valor what they want in numbers, if they become in fact free, and the dominion of Mexico is overthrown; if they shall, in fact, exist as an independent community, exercising the powers of Government, he did not see how we could refuse to recognise their existence as an independent and sovereign State. Can we withhold from a brave people upon our borders, struggling for their rights, that common justice which we have extended to others? Can we deny to the inhabitants of Texas, most of whom are emigrants from the United States, and have carried with them not only our own language, but all the elements of our free institutions, that measure of justice which we have accorded to all others?

He was not willing to sanction such injustice, from any narrow views of policy. He was aware that there were, connected with with the independence of Texas, ulterior questions of the most momentous character—questions which might shake this Union to its centre. But he did not think they could be avoided; we had got to meet them, and he should be prepared to do it whenever the proper time arrived. Some of these questions were of a very delicate nature, connected with the balance of political power, as regarded a particular interest, which he would not now particularly allude to. When these questions came upon us, however they might embarrass and distract our councils, he did not doubt that the republic would be safely carried through them. He had full confidence in the intelligence, justice, moderation, and good sense of the people, to carry the republic safely through every difficulty. Clouds might hang over us, and thick clouds gather around us, yet, as had been the case in every former crisis, there would appear a light to guide our course, and point the way to a safe deliverance.

Whether these momentous questions, which may grow out of the independence of Texas, had been considered by the Legislature of his State, he was not able to say, as he had not seen any of the debates on the question. But it was evident that the representatives of his State had disregarded narrow and sectional considerations. These resolutions are the offspring of that sense of justice and love of liberty which belong to a free people, who always sympathize with the oppressed when struggling for their rights. It was enough that the representatives of such a people witnessed a desperate and unequal struggle for liberty on the borders of the republic. Their sympathies were aroused; they regarded the cause of the Texians as the cause of justice, of humanity, of liberty, and of the maintenance of those principles of freedom under which the people of this country have been prospered and blessed above all other nations of the earth. They did not probably stop to inquire what might be the consequences of doing justice to the brave inhabitants of Texas; or whether, if they became independent, they would continue a distinct community; or whether they might not conquer Mexico, and erect a rival republic in the southern part of this continent; or whether the territory would be annexed to the United States.

Without probably going into these questions, they desired that justice should be done to a brave people, heroically struggling for liberty and independence. He highly approved their patriotic motives, and at the proper time he should be prepared to further the object they have in view; but they have wisely left the question as to time to Congress. He could not think the period for action on our part had yet arrived. This was a case in which this Government should act with caution. In ordinary cases of this kind the question was only one of fact, and was but little calculated to compromit the interests or honor of the United States; but the question in regard to Texas was very different, and vastly more important. That is a country on our own borders, and its inhabitants, most of them, emigrants from the United States; and most of the brave men constituting its army, who are so heroically fighting to redeem the province, are citizens of the United States, who have engaged in this bold enterprise as volunteers. Were this Government to be precipitate in acknowledging the independence of Texas, might it not be exposed to a suspicion of having encouraged these enterprises of its citizens? There is another consideration of more importance. Should the independence of Texas be followed by its annexation to the United States, the reasons for suspicions derogatory to the national faith might be still stronger. If we, by our own act, contribute to clothe the constituted authorities of the province with the power of sovereignty over it, and then accept a cession of the country from those authorities, might there not be some reasons to charge us with having recognised the independence of the country as a means of getting possession of it? These and other considerations require that this Government should act with caution; yet, when the proper time arrives, it will be our duty to act, and to act promptly. But he trusted that all would feel the importance of preserving the national faith and national honor. They should not only be kept pure, but free from injurious suspicions, being more to be prized than any extension of territory, wealth, population, or other acquisition, which enters into the elements of national prosperity or power. He would move that the preamble and resolutions be read and referred to the Committee on Foreign Relations.

GENERAL ASSEMBLY, *May* 27, 1836.

Whereas the people of Connecticut, one of the free and sovereign States of this republic, have witnessed, with feelings of sympathy, the struggle of the people of Texas to secure to themselves independence and freedom; and whereas, in maintaining their just and inalienable rights, that people have been compelled to resist the power and oppose the dominion of vastly superior numbers, who have exhibited more than savage ferocity and barbarity--devastating their country with the avowed object of either exterminating them or reducing them to a state of absolute dependance and subjugation; and whereas, in this unequal contest, the Texians have exhibited a degree of wisdom and firmness, moderation and bravery, that commands the sympathy of every friend of liberty and of his race—contending, as they are, for their rights against barbarians, who have violated promises, broken faith, and murdered, in cool blood, defenceless and confiding persons; and whereas the people of Texas, through their representatives, have declared themselves independent, organized their form of Government, and published to the world their intention to become a free, sovereign, and independent nation, distinct from, and independent of, Mexico; and whereas, appreciating the high resolve and unalterable determination of this gallant people to live free or die—believing, from what has already transpired, that their independence can and will be sustained, it becomes a matter of duty and justice, on the part of this Government, to acknowledge their independence, and to recognise them as belonging to the family of nations; therefore,

Resolved by the members of the Senate and House of Representatives in General Assembly convened, That the Senators from this State in the Congress of the United States be, and they are hereby, instructed, and the Representatives requested, to use their best endeavors to procure the acknowledgment, on the part of the United States, of the independence of Texas; and that it be recognised as a free, sovereign, and independent nation, as soon as may be consistent with our existing relations with foreign nations.

Resolved, That his excellency the Governor be requested to communicate copies of this preamble and resolutions to each of our Senators and Representatives in the Congress of the United States.

CHAUNCEY F. CLEAVELAND,
Speaker House of Representatives.
EBENEZER STODDARD,
President of the Senate.

Mr. WALKER then stated his conviction that this movement of the Legislature of Connecticut would form one of the brightest pages of its history. As to the time of recognition, he added, that as this was merely an acknowledgment of a fact, the required act could not be premature. If we do not acknowledge the independence of Texas promptly, the Texian commissioners will be recalled, and Texas will apply to a foreign Power. England, seeking for a new source of her supplies of cotton, will be eager to acknowledge her independence, both for the purpose of obtaining from her the raw material, and finding there a market for the manufactured fabric. The difference in favor of the Texian planter over him of the United States will be twenty per cent. He had no doubt the Committee on Foreign Relations would act promptly and wisely. The memorial was then referred.

PUBLIC DEPOSITES.

The bill to regulate the deposite of the public moneys was then taken up as the order of the day.

The amendment of Mr. LEIGH, to allow time to such banks as had not a sufficient amount of specie to comply with the conditions of the bill to provide the necessary amount, was agreed to without a division.

Mr. CALHOUN was in hopes that some Senator, coming from that portion of the Union where the specie condition would operate oppressively, would move to strike it out. After hearing the debate, he was satisfied it would operate oppressively in some States, while in others the banks would not be affected by it.

Mr. C. then moved to strike out the second clause of the section.

Mr. KING, of Alabama, had felt some hesitancy in making a proposition to strike out this clause, though he agreed, with the Senators from Virginia and South Carolina, that it was wholly useless, and that it would operate unequally and oppressively on some of the deposite banks that were in all respects essentially sound. He had felt, from the beginning, the greatest solicitude to pass such a law as would secure the safe-keeping of the public funds, and guard the public interests, without incorporating into it any provision calculated to embarrass or defeat it. These were his sentiments in the committee, and he was disposed to carry them out now. With the opinions that he entertained, he could not give his support to the bill if this provision remained in it. The banks of his State were as solvent as any in the country; but the nature of their business was such that they would be compelled to abandon the custody of the public deposites unless this provision was stricken out. He thought at one time to move to modify this provision; but this only could be done by giving a discretion to the Secretary, which rested with him already.

Mr. CALHOUN's motion having been agreed to, some additional amendments were made, on motion of Mr. LEIGH, to correspond with it.

Mr. WRIGHT offered an amendment, the effect of which is to require each deposite bank to keep within its vaults such an amount of specie as shall be required by the Secretary of the Treasury, and shall, in his opinion, be necessary to render said bank a safe depository of the public money.

Mr. WALKER moved to amend the amendment by adding the words, "having a due regard to the nature of the business of said bank;" which was agreed to; and the amendment as amended was adopted.

Mr. BENTON moved to amend the bill by adding a proviso that it shall be lawful for the President of the United States to direct transfers to be made, from time to time, to the branch mints of the United States, either for supplying metal for coining or for safe-keeping.

Mr. B. explained the advantages of this amendment at full length. He was very much in favor of preventing transfers from one bank to another, for the mere purpose of preserving the credit of such bank, at the same time that he applauded some transfers that were made two years ago, for the purpose of sustaining certain banks against the hostilities of the Bank of the United States. He was opposed to these transfers, for he thought them liable to great abuses; and he would be glad to see a provision made which would cut off all hopes of any of these banks being sustained by the Treasury. But this provision that he wished to be inserted, he thought, was calculated to be very useful. It might become necessary for the Government to have transfers made to the mints for other purposes than coining, should any difficulty arise as to depositing public moneys with the State banks. He believed that, with some extension of the mint system, all the public moneys might be advantageously deposited with them; but he did not look to this now—all he proposed was to facilitate the coinage of the mint, and to have them as depositories of the public money, if necessary. He looked upon this amendment as nothing more than the revival of the act of 1791, by which it was expressly ordered that all the foreign coins received by the Treasury should be sent to the mint of the United States; and he hoped it would find favor with the Senate.

Mr. LEIGH moved for a division of the two propositions contained in the amendment, so as to take the question first as to the transfers to the mint for the purpose of coining, which he said he was in favor of.

Mr. CALHOUN was opposed to the amendment, as it might be the means of oppressing some individual bank, by transferring all the specie in its vaults for the purpose of coining.

Mr. EWING, of Ohio, could see no advantage in either of the propositions contained in the amendment. There could be no advantage to the country in requiring banks to give up the coin in their vaults for the purpose of recoining. Banks, except on the seaboard, rarely kept bullion on hand, and the effect of this amendment would be to compel them to give up their specie. There would be no sort of advantage in sending Spanish milled dollars, which were current here, and current every where, to the mint to be recoined; for it would give no more specie circulation to the country.

Mr. WRIGHT did not understand the proposition as the Senator from Ohio did. He understood it to be purely an authority to the President to transfer certain amounts of money to the mint, for the purpose of furnishing it with the means for coining. In short, the proposition was in accordance with the views expressed in both Houses, when the branch mints were established, to enable them to have the means for purchasing bullion for continuing the coinage. He had supposed that their purpose in establishing the mints was to change the

coinage of foreign gold coin into our own, which, being less desirable for exportation, would be more likely to remain in the country.

Mr. CALHOUN supposed the object was to obtain a large circulation of the coin of the United States. That could only be done by repealing the laws making foreign coin a tender, and next by suppressing the circulation of bank notes from ten dollars down, which Congress could not do. He was opposed to the amendment, and should vote against it.

Mr. EWING, of Ohio, said that, if the effect of reducing the value of the gold coins had been to retain them in the country, the effect had also been to take so much silver out of the country. That could be the only effect, though he did not believe that either had been the case to any extent worth mentioning. Though the value of our gold coin was fixed too low, yet the merchants fixed the true value, and exported it when it was worth more abroad than at home. As to establishing new mints for the purpose of increasing the circulation of specie, he looked upon it as perfectly idle. Specie was a mercantile commodity, and would always be exported when it could be done so on more favorable terms than to get exchanges.

Mr. LEIGH here withdrew his motion to divide the two propositions in the amendment. The objections, he said, to the first proposition did not occur to him when he made his motion.

Mr. BENTON then renewed the motion just withdrawn by Mr. LEIGH. The two propositions, he said, were distinct from each other, and the questions on them ought to be taken separately. It did not appear to him, he said, that they would ever have in this country a Secretary or President who would act so preposterously as to send current coins to the mint only to be recoined over again; and therefore the objection made to his amendment fell to the ground. It was obvious that those who were friendly to an increase of the coinage were met at every point by the friends of the bank, predicting the impossibility of their measures producing the intended effect. This was commenced with the efforts to recharter the bank, and was continued in the opposition to the establishment of the branch mints. The proposition which met with so much opposition now, was simply to give to the President authority for supplying the mints with metal for coinage; and if it prevailed, the banks would, in all probability, readily endeavor to furnish a supply of foreign coins and of our own coins which are imperfect. This amendment was perfectly free from all the objections made to it; for the officers of the mint would never think of recoining our own perfect coin. The effect was only to give life and activity to a law now on the statute book.

Mr. EWING, of Ohio, was not aware of any combination to prevent the increase of the coins, nor was he aware that he or any gentleman on that floor was entitled to the appellation of friends of the Bank of the United States. He had voted for the recharter of that institution; but it was not in being now, and they had nothing further to do with it. He had opposed this and other propositions of the Senator from Missouri, because he did not think they would produce any public good. The object of the gentleman, to increase the specie circulation, was a good one; but the means he proposed were not calculated to obtain it.

Mr. WRIGHT suggested another consideration in favor of the amendment. It was known that our country produced a considerable amount of bullion, and it was desirable that it should receive our impress, instead of being sent abroad to be coined. The mint, therefore, should have the means of getting a supply of this native bullion by the adoption of the proposition before them.

The question was taken on the first proposition in Mr. BENTON's motion, authorizing transfers to the mint, for the purpose of supplying metal for coinage, and it was decided in the affirmative: Yeas 22, nays 17, as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, King of Alabama, King of Georgia, Knight, Morris, Niles, Page, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, White, Wright—22.

NAYS—Messrs. Calhoun, Clay, Crittenden, Ewing of Ohio, Goldsborough, Kent, Leigh, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Swift, Webster—17.

The question then being on the second proposition of Mr. BENTON's amendment, as to transfers to the mint for the purpose of safe-keeping of the public money,

Mr. BENTON hoped the Senate would see that this was merely a temporary provision. If any of the deposite banks should refuse to continue to receive the public deposites, as some did during the panic season, the mints would be then found valuable auxiliaries to the Treasury. He thought that the mints would be anywhere as safe depositories as the banks; and as to the District of Columbia, he wished all moneys paid out by the Government here, to be paid from the Treasurer's office.

On taking the question, Mr. BENTON's second proposition was rejected: Yeas 13, nays, 28, as follows:

YEAS—Messrs. Benton, Brown, Ewing of Illinois, Grundy, McKean, Morris, Nicholas, Niles, Page, Robinson, Ruggles, Walker, White—13.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hendricks, King of Alabama, King of Georgia, Knight, Leigh, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Rives, Robbins, Shepley, Swift, Tallmadge, Tomlinson, Webster, Wright—28.

Mr. BENTON offered an amendment, providing that, in selecting and continuing banks for depositories of the public moneys, a preference should be given to such banks in good credit as shall agree to relinquish the circulation of all notes below twenty dollars, and promote the circulation of gold coins.

This amendment was rejected: Yeas 15, nays 23, as follows:

YEAS—Messrs. Benton, Black, Brown, Grundy, King of Georgia, McKean, Morris, Niles, Page, Rives, Robinson, Ruggles, Tallmadge, Walker, White—15.

NAYS—Messrs. Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, King of Alabama, Knight, Leigh, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Shepley, Swift, Tomlinson, Webster—23.

Mr. BENTON then offered an amendment to the 13th section, which provides for the deposite of the surplus with the States, by excepting from the operations of this section the amount received from the sales of the public lands, and subject to distribution under the bill for appropriating the proceeds of the sales of the public lands.

Mr. B. said that they had passed a bill to distribute all the money received from the land sales for this year, and the next year, and, therefore, there was nothing left for this bill to operate on but the money received from customs. It was hardly to be supposed that, in the nineteenth century, a grave legislative body, like the Senate of the United States, would pass two bills for dividing the same money; and it was to save the Senate from the censures which they would fall under, for dividing the same money twice, that he offered this amendment.

Mr. CALHOUN said, that in order to effect the object of the Senator from Missouri, and remove any ambiguity that might exist, he would move to amend the

amendment, by adding the words, "provided said bill shall become a law." He had no doubt that, if both bills passed, the land bill, making a special appropriation, would have the preference. But if this amendment passed, his addition to it would be necessary.

Mr. BENTON said that, if this amendment prevailed, he should also move that this second distribution should not take effect, provided the other became a law. He was utterly opposed to this provision, by which one bill was not to take effect, provided another became a law. But he had an object in view. The land bill, like Jonah's whale, had swallowed up the grants to the new States, and he wished to ascertain whether this bill was perfectly dead, that he might bring forward another bill to revive these grants, and carry them through before the close of the session.

Mr. EWING, of Ohio, said that the proviso moved by the Senator from South Carolina would be necessary.

Mr. BENTON said that, when his amendment was in his own power, he would move to cut off all that was said about the distribution bill, leaving his amendment to apply to the proceeds of public lands only.

Mr. MORRIS said that, at the moment his ear caught the sense of the amendment, he intended to call for a division of it. He wished to know whether the Senate was about to make a double distribution of the proceeds of the land sales. As far as respected the action of the Senate, the land bill was, to all intents and purposes, a law, because they did not and could not know what disposition the House would make of it.

Mr. WEBSTER said that they neither saw nor heard any thing to induce them to suppose that the land bill would be got through the House. On the contrary, there was every reason to believe that it had been put to rest, and would not be taken up again this session. What were they to do? Were they to wait till the last moment of the session, to know what had become of the land bill? They could not shut their eyes to the facts which rendered it so improbable that this bill would pass during this session; and, under such circumstances, he felt it his duty to take the proposition contained in this bill. He could not see the force of the objections raised by the Senator from Ohio, [Mr. MORRIS,] that they were making a double distribution of the proceeds of the land sales. There was no incompatibility in the two bills, supposing that they both passed. He agreed that it was so improbable that there would be a considerable surplus at the end of the year, after deducting the proceeds of the land sales, that there would be no necessity for passing this bill, provided the land bill passed. There might, however, be a surplus over and above the proceeds of the land sales; and there would, therefore, be no incongruity in passing both bills.

Mr. CALHOUN did not see the slightest difficulty between this bill and the other, with or without the amendment. The one was specific, and the other was general; and if both passed, all sound lawyers would say that the first would take the precedence. It was under these impressions that in drawing this bill he did not think it necessary to take any notice of the land bill; but as the Senator from Missouri [Mr. BENTON] had thought it necessary to offer an amendment, to remove an apparent incongruity, he had no objections to it, provided his proviso was also added, to render it perfectly clear.

Mr. WALKER said that, if he was not mistaken, this bill provided for a loan to the States of certain balances remaining in the Treasury, to commence on the 1st of January next; and the land bill provided for taking a certain portion of the revenues and distributing them, both prior and subsequent to that period. Now, when the time arrived, which bill would be taken as the guide for distribution? Certainly, no one taking up this bill would suppose that millions were appropriated in another bill. Was it not making experiments in legislation to pass two bills, repugnant to each other, in order to carry the same measure? Was it not confessed by the friends of this measure that they were making experiments in legislation? for they acknowledged that they would not press this bill if they thought the land bill would become a law. No vote was yet taken on the land bill in the House, and they did not know what would be the fate of their first experiment. Why, then, try a second experiment, before knowing what the fate of the first would be?

Mr. WEBSTER observed that the Senator from Mississippi, being opposed to both measures, was of course glad to find in one a reason for not passing the other. He believed that the country would see the situation they were in, and the necessity for passing some law for the distribution of the surplus; and so convinced was he of the necessity for this measure, that he was not so anxious to wait for the official annunciation of the fact, so much desired by some and so much feared by others, the defeat of the land bill. Fearing that the land bill would not pass, he felt it his duty to take the proposition before them instead of it. There was no incompatibility in the two bills; both might pass, and no harm be done.

Mr. MORRIS did not know on what gentlemen founded their predictions that the land bill would not pass. Had they now come to the conclusion that this land bill was founded in error, and ought not to pass? or that the House would not do its duty by acting on the bills before it? He saw no grounds for the opinion that this bill would not pass. It was a matter of which they neither knew nor could know any thing; but they did know that, as far as respected the Senate, this land bill was already a law. The Senator from Massachusetts had misunderstood him, in supposing him to say that there was an incompatibility in the two bills. He did not say that there was any such incompatibility; but the argument of the gentleman had convinced him that there was an incompatibility in the legislation he supported, for he acknowledged that he would not pass this bill if he thought that the other would become a law.

After some observations from Messrs. EWING of Ohio and BENTON, the question was taken on the adoption of Mr. CALHOUN's proviso, and it was agreed to: Yeas 22, nays 16, as follows:

YEAS--Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Porter, Preston, Robbins, Swift, Tomlinson, Webster, White--22.

NAYS--Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Grundy, Hubbard, Morris, Naudain, Nicholas, Niles, Rives, Shepley, Tallmadge, Tipton, Walker, Wright--16.

The question was then taken on Mr. BENTON's amendment, as amended, and it was rejected: Yeas 15, nays 25, as follows:

YEAS--Messrs. Benton, Brown, Cuthbert, Ewing of Illinois, Hendricks, Hubbard, King of Georgia, Morris, Niles, Prentiss, Rives, Ruggles, Shepley, Walker, White--15.

NAYS--Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Grundy, Kent, Knight, Leigh, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Robbins, Swift, Tallmadge, Tipton, Tomlinson, Webster, Wright--25.

Mr. CALHOUN moved to fill the blank in the thirteenth section with two millions.

[This is for the sum proposed to be retained in the Treasury before making the deposites of the surplus with the States, as provided for by this section.]

Mr. BENTON said he would name nine millions,

which was the amount in the Bank of the United States at the time the transfers of the deposites were made.

Mr. WRIGHT said that, before the Senate decided on this question, he would move to fill this blank, after deducting the outstanding appropriations. If the gentleman would deduct the outstanding appropriations after the first of January, he would be content with the two millions, or even with one.

After some discussion of this motion by Messrs. CALHOUN, WEBSTER, and WRIGHT,

The Senate adjourned.

TUESDAY, JUNE 14.

POST OFFICE.

On motion of Mr. GRUNDY, the bill from the House, to change the organization of the Post Office Department, was taken up; and sundry verbal amendments reported by the Post Office Committee having been agreed to,

Mr. GRUNDY called the attention of the Senate to the amendments proposed to the 43d and 44th sections of the bill, relative to the boxes put up in the post offices, and rented to merchants and others, for the reception of their letters. From the commencement of the Government to the present time, Mr. G. said, it had been the practice to put up these boxes in the post offices of the large cities, and rent them to merchants and others, who found a great convenience in having their letters kept for them in this convenient way. The sums received for the rent of these boxes went to the private emolument of the postmasters; but the bill of the House proposed to take this away altogether, and put it in the Treasury, while the amendment of the committee proposed to fix the rent of each box at one dollar, and allow one half to the postmasters; providing that when this rent exceeded fifteen hundred dollars, the excess should go into the Treasury. Mr. G. said that this practice had been found to be so universally convenient, that not a single individual who paid this rent was ever known to complain of it. Mr. G. stated the number of boxes put up in the post offices of Boston, New York, and Philadelphia, and stated the emoluments derived from them by the postmasters. He did not know what was the number of boxes put up by the postmaster of New Orleans, or the rent he charged for them, and would be glad to be informed on that point by the Senators from Louisiana. Certain it was that the postmaster at New Orleans could not live on his salary of two thousand dollars, and this addition to his income was therefore necessary. Mr. G. said that, as no inconvenience had resulted from the present practice, but, on the contrary, that it was productive of great benefits, it would be better to leave the matter as it now stood, and direct the Postmaster General to report to Congress on the subject at the next session. In the mean time, as he differed with a majority of the committee, he would move to strike out every thing relating to the subject in the bill.

Mr. PORTER said that in New Orleans the price of a box was five dollars a year, which was cheerfully paid, considering their great convenience to those who rented them. He did not know the number of the boxes in the New Orleans post office—probably four or five hundred—but he was confident that if the price were reduced to a dollar, every man in the city who received a dozen letters a year would take one.

Mr. NILES spoke of the great convenience of these boxes, in the large cities, to those who were in the habit of receiving a great many letters. The price paid was entirely voluntary, and there was no ground of objection in regard to the general operation of this practice. He thought, too, that the taking away of this source of emolument to the postmasters would create less care in the general management of their business. Some good, he supposed, would be produced by the modification, but he thought that much injury would ensue from breaking up the practice altogether.

Mr. BUCHANAN observed that there were always difficulties attending the regulation of a subject of this kind, because what might be convenient in one part of the Union might be very inconvenient in another. He had at one time thought that the best way would be to fix certain salaries for the postmasters; but, when he came to reflect, he feared that there would be a continual pressure on them to raise the salaries of all the $2,000 postmasters to a higher sum. With regard to these boxes, they were legislating without having heard a complaint from a single individual. In the city of Philadelphia, he knew that Congress could not do a more unpopular act than to reduce the rent of these boxes to one dollar, because it would occasion the post office to be covered with them, and produce inconvenience and expense, instead of reducing expenses. The postmaster of Philadelphia relinquished a lucrative profession when he took this office, and he had never received from it as much as $3,500 per annum. What would be the effect of this amendment, as respected him? It would reduce his salary to $2,000, on which he could not possibly live.

Mr. B., after stating the importance of the duties of this office, the number of persons whose labors he has to superintend, and the large sum annually disbursed by him, remarked that he was the ensurer of the greater part of the postage received at his office, because, by giving credit to those who rent the boxes, he has, in making his returns to the General Post Office, to pay cash for the amounts due by them.

Mr. B. said he had been informed that if the number of these boxes was increased, it would occasion a great deal of additional labor, and that the number of clerks must be increased also. The only evil complained of was as to the city of New York, where the emoluments of the postmaster were deemed too high, in consequence of the number of boxes in his office; but it appeared to him that it would be highly inexpedient to derange the whole system to correct an evil in one or two post offices. The best way would be to let every thing remain as it was until the Postmaster General reported to them at the next session of Congress. He would, however, offer an amendment, which accorded with his views, and he thought would be acceptable to the Senate.

Mr. B. then submitted an amendment, providing that "each postmaster shall make quarterly returns to the General Post Office of the amounts received for rents of boxes in his office, and that when the sum amounts to more than $2,000 he shall account for the same to the General Post Office."

By this amendment, Mr. B. said, no postmaster would receive more than $4,000 per annum; and in New York, Philadelphia, and New Orleans, this sum would not be too much.

Mr. PORTER said that he had had occasion to remark before, that nothing could be more unequal and unjust than to attempt to regulate the salaries in different parts of the Union by one standard. Thirty-five hundred dollars might be a very good salary in some places, but in New Orleans it was a very small sum, where house rent alone would take up $1,200 of it. With regard to these boxes, the number of them would be greatly increased if the rent was reduced; and in New Orleans, instead of there being four or five hundred, as at present, their number would probably be as many thousand, and the great object of having them, the speedy and convenient delivery of letters, would be destroyed. He thought, with the Senator from Pennsylvania, that it would be best to leave this matter where it

was, between the individuals and the postmasters, and then fix the maximum of salary at those places where it was supposed to be too large. The amendment of the Senator from Pennsylvania contemplated that object; but with regard to the salary of the postmaster of New Orleans, it would be too small. He should think that $5,000 would not be too much for the salary of this officer.

Mr WRIGHT said that he had been assured that the postmaster of New York, residing where he was compelled to reside, could not get house rent for less than $1,500 per annum. Now, it was out of the question to suppose that any competent person would take so arduous an office for a salary of $2,000, when he was compelled to pay three fourths of it for house rent. Mr. W., after speaking of the arduous and responsible duties of the New York postmaster, and the high expenses of living in that city, contended that there would be great injustice in reducing his income so considerably, by the adoption of the amendment of the committee. There was another way in which it would be productive of injury: in most of the small towns there was a limited number of boxes put up in the post offices, some of which were rented at a low price, and some let out without rent. Now, he thought that they should make no provision which might have the effect to break up these boxes, and to compel individuals to dispense with the convenience they had derived from them. Mr. W. said he approved of the amendment of the Senator from Pennsylvania, but would vote for $5,000, instead of $4,000, as the maximum of a postmaster's salary.

Mr. DAVIS said, if he had supposed the debate would have been extended as it had before his amendment came fairly before the Senate, he would have explained it when he first sent it to the Chair, as he feared gentlemen did not fully understand it. If he could gain the attention of the Senate, he would do it now. It had been called a small matter. In principle it was quite otherwise, as he would prove; for it was no less than an attempt to maintain extravagant emoluments to deputy postmasters, under the guise of perquisites, without any authority, while the law really intended that the maximum of income should be only $2,000. It was a levy without authority of law, and without limits, upon those who could not well do without the accommodation. It was now admitted that some of these deputies had been in the annual receipt of from three to ten thousand dollars a year, which, he thought, if true, demanded the attention of Congress. The House of Representatives thought so, and had, in the bill sent to the Senate, required that all the box money, as it is termed, from which this exorbitant income is derived, should be accounted for as other revenue, and the postmasters, of course, be left to the provision made by law for their compensation. Their compensation, therefore, if this provision should be retained in the bill, will be more or less, according to the business of each office, but will never exceed $2,000. This they have considered enough. The House also limited the price of boxes to a dollar a year. The committee of the Senate, to whom the bill was referred, thought that some further provision ought to be made for the postmasters, and have reported that one half of the box money should be retained by them until their entire emoluments should amount to $3,500 a year, if the income should arise to that sum, the balance to be accounted for to the Postmaster General. It has been urgently represented that this, even this, is inadequate; and fearing, from all that is said, it might be so, he had, with the approbation of a majority of the committee, offered the amendment which he had sent to the Chair, and which he hoped would prevail, though he was sorry to say he saw symptoms of determined opposition, because it did not provide enough. He had endeavored to adjust the boxes upon equitable principles, which would save the rights of the small offices as well as the large, and he would state in what way:

1st. In all places containing under ten thousand inhabitants, the postmasters might charge not exceeding a dollar for each box.

2d. In all places containing over ten and not exceeding twenty thousand inhabitants, they might charge not over a dollar and fifty cents for each box.

3d. In all places containing over twenty thousand inhabitants, they might not charge over two dollars a box.

4th. The postmasters, in all cases, are allowed to retain the revenue from the boxes until from that and their fees they receive $3,500, and in New York and New Orleans until they receive $4,000.

These were the provisions of his amendment; and the chairman, [Mr. GRUNDY,] and the honorable Senator from Pennsylvania, [Mr. BUCHANAN,] had declared the provision inadequate.

Sir, (said Mr. D.,) I protest against this extravagance, this lavish expenditure of the public money. Its influences are in all respects pernicious. It tends in the first place to create uneasiness and discontent among all our public officers, for they all claim a right to be thus favored. It is always an argument for increased compensation, that others who do no harder service receive higher pay.

What is a deputy postmaster, that he should repel thirty-five hundred dollars as inadequate for his services? You pay his rent, his clerks—in a word, defray the expenses of his office—and he gravely tells you that $3,500 is insufficient for him. Sir, it is more than the members of this body would receive, if they were to sit here the year round. It is more than the Governors of the States, the judges of the State courts, or any other public officers, except a few in the United States service, receive. It is said that great pay should be allowed, because they live in cities. So do other officers. The chancellor of New York receives but $2,000; and the judges, who have most arduous services to perform, but $2,500. In Massachusetts, the chief justice receives but $3,500; the associates, $3,000. In Pennsylvania, the judges receive $2,000. And these are among the most liberal salaries paid by the States. In most of them, the Governors receive from ten to fifteen hundred dollars, and the judges about the same sum. He said he held in his hand a document in which all these salaries were accurately stated, and gentlemen would be surprised if they would compare them with the salaries now established, and every day declared to be inadequate by the officers of the Federal Government. Sir, you give to an auditor, a comptroller, ay, a chief clerk, not only more, but nearly double what is paid to the highest officers in most of the States; yes, even more than is allowed to members of Congress, if they were to sit the whole year.

The consequence is, that the attention of citizens is drawn from the States to the Federal Government. They are literally bought out of State service, for very subordinate stations, by the salaries given. A more pernicious policy could not be adopted. Here you find Governors and judges holding clerkships, or, what is no better, offices of that character under some other name. There is, sir, a gentleman, on whom I have heard much commendation pronounced on this floor, as a faithful public officer, now serving in a subordinate station in the custom-house at New York, for $3,000 a year. This office he sought as a political favor, and contrives to live upon it, even in that city, where it is said forty hundred dollars is wholly insufficient for a postmaster. That gentleman lately filled the executive chair in your State; and we find it almost customary for Governors and

judges to descend from their stations, and abandon the service of the States, from such pecuniary reasons.

The offices of the United States never go begging. Instead of their being left vacant, as has been suggested, there is always a rush to fill them when an opening occurs; and such is the strife, that men of but one political complexion can attain to any of them. More, sir: men are thrust out of petty places to make room for partisans. When he saw men refusing to take office, when he saw the Government embarrassed half as much for the want of applicants as it is with them, he would begin to listen to the argument that the salaries are inadequate. The influence of high salaries upon the whole public was pernicious. It tended to increase the expenses of the States, for their men were bought up. It created a scramble for the offices, and rendered the patronage of the Federal Government irresistibly influential. It was a lavish, unnecessary waste of money, and could not be justified because the Treasury is full.

The committee are for adhering to the old republican doctrine of economy in the expenditure of the public money. They are for preserving something like an equality between the State and Federal Governments, and the doubt is whether they have not been too liberal in their propositions.

He would now notice some of the objections which had been urged against the amendment.

It was said that the Postmaster General was collecting information, and would eventually propose a plan for a tariff on boxes.

It was also said that we had no information, that we did not understand the subject, and that there was no complaint, and, therefore, things had better remain as they are.

If the Postmaster General is collecting information, and maturing a tariff, what is that but proof, to those who value his judgment, that something ought to be done—that regulation is necessary? And how does this consort with the argument urged by the Senator from Pennsylvania, [Mr. BUCHANAN,] that there is no complaint, and it is better to keep matters as they are? But the subject is complex, and we are not prepared to act! And what is there about boxes that is not comprehended at a glance? What that the feeblest mind cannot at once comprehend? Is there any mystery in charging five or ten dollars for the use of a pigeon-hole a year? Is this a matter that requires explanation? If a postmaster receives annually three or four thousand dollars in this way, what is there mysterious about it? Cannot this Senate comprehend and understand that it is more than he deserves? That it is raising a large revenue out of the public for his benefit, when it is the bounden duty of Congress to make the access to the mail easy—to furnish every facility in the reception and delivery of it, without constraining people to pay exorbitant prices for them? The Senate can understand, if such a revenue is to be raised, it ought to be regulated by law, and the Government to have the benefit of it. He could not feel any difficulty in understanding the matter, or in applying the remedy. It required no extraordinary skill to comprehend either.

Again: it was said by the Senator from Pennsylvania, in one sentence, that the office of the postmaster at Philadelphia would be deranged by the great increase of boxes, if the price was lowered from $4 to $2; and in the next, that it would so reduce his annual emoluments, that the public would lose his valuable services. The boxes in Boston are said by the honorable Senator from Tennessee [Mr. GRUNDY] to be rented at $2, and that the whole number is about 1,200. Suppose, then, Philadelphia should demand twice or thrice as many, who does not see that they can be easily furnished? Let the postmaster see a profit in doing it, and the inconvenience will vanish. But if the boxes are to be thus increased, what becomes of the other position of the honorable Senator, that the emoluments will be reduced? If this vast number of boxes is demanded, the officer will be certain of his $3,500, for it will take but 750 boxes to secure that, and he now rents 450.

Again: the honorable member says it will interfere with the credit system now in operation, and make cash payments necessary, which will be vexatious to the merchant. And how does this follow? It is now optional with the postmaster to give credit or not. He will be left still to his own free will on the point; and how the erection of additional boxes, or the reduction of the price, will make cash payment indispensable, is not apparent.

Again: the honorable Senator says the present system is a good one, acceptable to the merchants, and, therefore, ought not to be disturbed, for no one complains of it.

He would tell the honorable gentleman that he was mistaken, when he declared so emphatically that no complaints were made. Proof could be adduced, if necessary, to show that, in some of the city offices, there was so much delay and uncertainty in procuring letters for those who had no boxes, that even transient persons, though resident in other places, were obliged to hire boxes, to secure the delivery of letters with promptness, when their business led them to such places.

No doubt that many merchants are content to pay a large rent for boxes, for the less the number the more prompt the attention. It is the monopoly of the privilege which secures the good will. Four hundred and fifty persons are let into the privilege in Philadelphia, at four dollars each, while in Boston more than twelve hundred enjoy it at two dollars. Is this right? Was not the Post Office instituted for general accommodation? Ought not its privileges to be laid open as wide as possible to the public? And will any one dare to justify a high charge, on the ground that it narrows the accommodation to only a few persons? Have not the great public—the people—an interest in this public institution? Sir, the reason why the number of boxes in Philadelphia is so small is plain enough. The public are taxed beyond what they are willing to bear, and thus the privilege is wrested from them, and limited to a few. In my judgment, this state of things demands correction. The privilege may be enlarged; the public have a right to demand it; and, for one, he would acknowledge that right, and extend the convenience. Men, sir, are selfish, and those who are anxious to continue the present state of things must be anxious to perpetuate the monopoly in their own hands. But he would not encourage the idea that the Post Office is for the benefit of the few, or that its important accommodations were to be placed out of the reach of most people by high charges. His object in offering the amendment was to bring what now was in the discretion of men, who were anxious to benefit themselves, under the control of law; to fix a limit beyond which they cannot go; to fix it, too, where the real public may have the benefit of the privilege. If there is, as has been supposed by some, such a desire for boxes as to multiply them to an extravagant number, it only proves that the people are now restrained by the burdens imposed on them, or, rather, by the obstacles placed in their way, and that a remedy ought to be applied. Indeed, every argument which has been put forward against the measure seems only to show the propriety of adopting it. We have heard much of the inconvenience to the postmasters; and what have we to do with their convenience? Who ought to be incommoded, the public or the postmasters? And what right has a public officer to complain that his office is disfigured with boxes, or that he is obliged to distribute his papers into five hun-

dred instead of two hundred places? This Government pays his clerks and other expenses. One would really think that the public was to stand back in this matter, and beg accommodation as a favor--as if the establishment belonged to the postmasters. He did not believe the mass of the postmasters had any such feelings or objections. They were willing to accommodate the public at the expense of their own convenience; and he believed the proposed arrangement would be very acceptable to them, as it placed them on a much more favorable basis than the bill of the House, and took care of the small offices as well as the large. Nor could he doubt that, upon this reasonable scale of allowance for boxes, most postmasters would realize more revenue than they now received, while the public would be much better accommodated.

Mr. CALHOUN here moved, as the hour of one had arrived, to lay the bill on the table, and proceed to the special order; which was agreed to.

PUBLIC DEPOSITES.

The Senate then took up the bill to regulate the deposites of the public moneys.

Mr. WRIGHT moved to amend the bill in the thirteenth section, by providing that the outstanding appropriations shall be deducted prior to making the distribution of the surplus to the States.

Mr. CALHOUN opposed this amendment as unnecessary, and as contrary to the objects of the bill. Considering the very heavy and unusual appropriations of this year, he estimated the amount of the outstanding balances at eight or nine millions; and he submitted to Senators whether it was wise and consistent with the objects of the bill to leave so large a sum where it now was. Was it for the convenience of the deposite banks? He could not suppose that gentlemen had that object in view. He thought that the appropriations of this year were so large that the balances to be carried over would be sufficient for the whole of the appropriations for the next year.

Mr. WRIGHT said that he had himself anticipated, with the Senator from South Carolina, that the balances of the outstanding appropriations for this year would be unusually heavy, and his object was that the Treasury might be able to meet the appropriations that they now made, and the appropriations for the next year. He would assuredly vote for no appropriation of the surplus that would leave the Treasury destitute of the means of meeting the appropriations they had made. Though only one fourth of the contemplated distribution was to be paid on the 1st of January, yet the amount was fixed and certain, and the other three payments would be made in April, July, and October. The sum to be disposed of was settled on the 1st of January; and it was no matter how much of it remained in bank after that day, because the fiscal officer could not touch it. If they intended that the appropriations should be used, could they pass this bill without the amendment he proposed? What was the object they had in view? If he understood the measure before them, it was to adopt some method for relieving the Treasury from its surplus, and for disposing of the amount of money not needed for the purposes of the Government. He understood this to be the sole and exclusive object of the bill. This being the case, were they ready to say that they had appropriated money which they did not design should be expended. He did not suppose that gentlemen meant this. He therefore desired to arrange this bill so that, while they were acting as if the Treasury was in danger from a surplus, they were not to bring it to want. How could he better do this than by the amendment he proposed? In confirmation of his own views on this subject, he called the attention of the Senate to the fact that this amendment was in accordance with the uniform practice of the Government. Such was the practice of the sinking fund act of 1817, declaring that the sum of two millions should be retained in the Treasury before applying the balance to the reduction of the public debt. That was a salutary practice, preventing the Treasury from being reduced to want, and should be rigidly adhered to on this as well as on all other occasions. It was not his purpose, Mr. W. said, to amend this bill further than to make it what it was intended to be.

Mr. WEBSTER observed that this amendment was very material. It went to diminish the sum which should be distributed, and, so far, to defeat the object of the bill. The amount of unexpended appropriations might be twelve or fourteen millions. We all know (said Mr. W.) that a balance remains every year, and is provided for by the income of the following year; and this always happened, because the Government never expended within the year all the moneys appropriated. The only question was, whether, as the bill then stood, it endangered the means of the Treasury for the demands of the next year. This was the question. He thought there was no danger. Although he could not say what might be the income of the next year, still he did not see any probability of so great a falling off as would bring down the income of the next year so low as had been supposed. Of the unappropriated balances of this year, not more than nine or ten millions could probably be called for next year; and he thought that not more than ten or twelve millions of the appropriations of the next year could be called for within that year. In this view, the actual wants of the next year would amount to twenty-two millions or thereabouts, and he thought there was no doubt of there being sufficient means in the Treasury to meet this amount. It was to be remarked that of the eight millions which would be coming from the stocks in the late Bank of the United States, it was not known that all would be received within this year. He hoped much of it would; but it was not certain that all of it would; and, if not, the residue remained to swell the general amount in the Treasury the next year.

He saw no plausible estimates either of the probable income or the probable expenditure of next year, which rendered it necessary for them to adopt the amendment.

Mr. WALKER said that, if the amendment of the Senator from New York did not prevail, it appeared to him that the Senate would be making a triple appropriation. First, an appropriation under the bill to distribute the proceeds of the sales of the public lands; secondly, the appropriation under this bill, by way of loans to the States, without interest, of the surplus in the Treasury; and lastly, for the purpose of swelling out that surplus, an appropriation under the same bill of the unexpended balances. He was opposed to these triple appropriations of the same money. He was opposed to the progression of these three experiments at the same time, and he thought that it would be better to ascertain the result of the first experiment before they tried another. Gentlemen defended this bill on the ground of a new conjuncture in our affairs, having an immense surplus that it was absolutely necessary to dispose of. Now, he should think that if there was this immense surplus in the Treasury, of thirty millions, as it was said, it was sufficiently large to distribute to the States, without breaking in upon the appropriations for the necessary purposes of the Government. The refusal to adopt this amendment would, in his opinion, sweep away with it every apology for the passage of this bill, for the bill had been mainly advocated on the ground that there was an immense surplus that it was absolutely necessary for them

to dispose of. Mr. W. continued his remarks to some considerable length in support of the amendment.

Mr. EWING, of Ohio, supported the amendment in an argument of great length, taking a view of what would probably be the amount of the unexpended balances at the end of the year, with an estimate of the probable amount of the receipts and expenditures for the three or four coming years. The ancient practice, he said, had never been to consider the unexpended balances in the Treasury as pledged money; but, in paying off the national debt, the Secretary of the Treasury always brought the balance down to two millions, which was as large a sum as he ever permitted to remain in the Treasury, without having any reference at all to unexpended balances. To talk of appropriating the same money twice was a thing that he did not expect to hear from the Senator from New York, though he was not surprised at hearing it from other quarters. They never appropriated any particular money in the Treasury. It was sufficient that the money was in the Treasury at the moment that the draft called for it; and, in appropriating money, they always appropriated what would be in the Treasury when the draft should be made. He did not concur with the Senator from Massachusetts in the belief that there would be but little value in the bill if the amendment prevailed; for he thought that there would still be a considerable surplus of the receipts from the customs, and the land sales did not disappoint his expectations.

Mr. BUCHANAN observed that, so far as he was concerned, he should continue this debate in the same temper in which it had commenced; and should not stop to inquire whether there had been any true or false prophets there. No subject had ever presented itself to his mind more involved in difficulty than this proposition. How far he should vote for it would be known when they came to take the question. The amendment, however, of the Senator from Massachusetts had obviated many of his objections. It was now a single division, and they would not be continuing the system until the year 1842, as was at first proposed. He did hold that the idea of distributing the surplus revenue from the Treasury, derived from taxes, must, if persisted in, lead to the destruction of this Government, because the time might come when members of Congress opposed to the Government might argue that, by so much as they embarrassed it, so much would they benefit the States they represented. This would place the country in a most embarrassing situation.

Now, as to the amendment of the Senator from New York. Whatever sum was to be distributed under this bill, he looked upon the amendment as a wise proviso. It was in conformity with the act of 1817, introduced by as pure and upright a man as ever existed in this country, and who was acknowledged by all, even his political opponents, to have no other object in view than his country's good. Mr. B. then described the sinking fund act of 1817, and compared it with the amendment. Was not this, he said, a wise and just provision? Could human foresight pretend to penetrate the future; and was it not wise and just for them to avoid the being left to the mercy of contingencies? He confessed that when this amendment was first proposed by the Senator from New York, it struck him that no reasonable objection could be made to it. Let the distribution be what it might, they must, to be consistent, except from it what had already been appropriated for the wants of the Government. He confessed that he looked at the opposition to this amendment with some degree of alarm. We have appropriated, said he, so much money, and that we ought in policy to retain, to prevent embarrassment to the Treasury. The Senator from Massachusetts estimated that on the first day of January ensuing, there would be a balance in the Treasury of fourteen millions of outstanding appropriations, and the Senator from Ohio estimated them at from seventeen to eighteen millions. We deprive ourselves then of all this money which is to be in the Treasury on the first of January; and what was to be in the Treasury next year? Why, eighteen millions. Now, was there any Senator there who would say that it was safe for them to rely on the income of the next year for the payment of this unexpended balance of appropriations, and also for the payment of the current expenses of the year? Was this acting with suitable caution? As to the income from the public lands, nothing could be more unsafe than to rely on it. From causes which Mr. B. assigned, there was, he said, every probability that there would be a considerable falling off in the sales, and, indeed, that a great reflux would take place; and whether this reflux would take place this year or the next was impossible for them to decide. But let that reflux take place, and what was their condition? They would be in debt seventeen or eighteen millions of dollars, and have to provide for the expenses of the Government, contingent or certain. That would be their situation. Now, let the sum to be distributed under this bill be much or little, for one, he thought they ought to follow out the salutary policy of the Congress of 1817, and he should therefore vote for the amendment.

Mr. EWING, of Ohio, rose to correct the gentleman from Pennsylvania. He did not say that the unappropriated balance would be seventeen or eighteen millions, but that he would take the largest sum stated.

The debate was further continued by Messrs. CALHOUN, MORRIS, WEBSTER, and WRIGHT; after which,

Mr. TALLMADGE offered an amendment, the effect of which is that the Secretary of the Treasury shall be authorized to sell the certificates to be given by the States, in the event of there not being money in the Treasury to meet the appropriations made by Congress. This amendment being agreed to,

Mr. CALHOUN then moved to fill the blank in the third section, for the sum to be retained in the Treasury, with five millions.

Mr. WEBSTER proposed three millions; which, he said, was sufficiently large, after the amendment of the Senator from New York, [Mr. TALLMADGE.]

The question was first taken on five millions, being the first in order, as the largest sum, and carried: Yeas 22, nays 18.

Mr. WRIGHT then moved to recommit the bill to the Committee on Finance, with instructions to bring in two separate bills: one to regulate the deposites of the public moneys in the banks, and the other for the distribution of the surplus to the States.

This motion was decided in the affirmative: Yeas 23, nays 20, as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, White, Wright—23.

NAYS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, McKean, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Swift, Tomlinson, Webster—20.

ADJOURNMENT OF CONGRESS.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House had passed the joint resolution of the Senate for the adjournment of the present session of Congress, with an amendment, in which they asked the concurrence of the Senate.

[The amendment assigns the 4th day of July next for the day of adjournment.]

On motion of Mr. WEBSTER, the message was laid on the table.

Mr. WHITE, who voted with the majority, moved to reconsider the vote taken on committing the deposite bill to the Committee on Finance; but before taking this question,

On motion of Mr. WRIGHT,

The Senate adjourned.

WEDNESDAY, JUNE 15.

NORTHEASTERN BOUNDARY.

A message was received from the President of the United States, communicating a correspondence with the British Government on the subject of the Northeastern boundary. The message referred it to the Senate to decide as to the propriety of publishing the correspondence.

The message having been read,

Mr. CLAY stated that he had not been able to look into the correspondence, and was not at present able to say whether it ought to be published or not. The President had left it to the judgment of the Senate. This was not according to his usual course, as he had in this instance refused to take responsibility upon himself. It would be improper to order the printing without some examination, as it might afterwards turn out that, by the publication of something which it might be improper to lay before the world, the Senate might have committed themselves. The Senators from Maine and Massachusetts ought to be consulted on this matter. The proper course, as it appeared to him, would be to refer the message to the Committee on Foreign Relations, where the documents would be accessible to those Senators, and he for one would be happy to avail himself of their advice. He moved to refer the message and documents to the Committee on Foreign Relations.

Mr. SHEPLEY said that if there was any thing unusual in the message, there was something also unusual in the resolution calling for this information. He did not object to the motion of reference.

Mr. CLAY explained that he had only said that the President had departed from his usual course of taking responsibility, when he transferred to the Senate the responsibility of deciding on the publication of these documents.

Mr. WEBSTER said he was quite satisfied with the direction proposed to be given to the documents. The resolution calling for this information was offered by him, and the terms suggested the alternative of a confidential reply, if deemed necessary. The information had not been communicated confidentially, but it was left to the Senate to determine whether the correspondence shall be published or not. This was all right and proper, he was bound to presume, and that there are good reasons for it. He was perfectly willing to refer the message to the Committee on Foreign Relations, in order that if there be any doubtful matter in reference to its publication, the doubt may be settled on the safe side.

The message was then referred to the Committee on Foreign Relations.

MARINE HOSPITALS.

Mr. WEBSTER offered a resolution calling on the Secretary of the Treasury, early next session, to inform the Senate as to the most suitable places and plans where and how hospitals for sick and disabled seamen may be erected.

Mr. W., on moving the consideration of this resolution, stated that this subject had recently been before Congress, when there appeared to be a want of information. He was disposed that, as regarded the West, these hospitals should start from the Treasury, in order to set them going. They were usually erected out of the hospital fund, but the commerce of the West had increased to such an extent as to render it desirable that it should have the aid of the Treasury. He did not know that any hospitals, in addition to those in existence, are required in the Atlantic States. He had received some suggestions as to points where hospitals might be erected with advantage; but he would not go further, at this time, than to ask of the Senate the adoption of the resolution.

The resolution was then agreed to.

MICHIGAN SENATORS.

The resolution offered yesterday by Mr. BUCHANAN, instructing the Committee on Finance to inquire into the expediency of paying the Senators and Representative from Michigan, was taken up for consideration.

Mr. BUCHANAN stated that this resolution was adopted in conformity with the practice established on the admission of Missouri.

The resolution was agreed to.

ADJOURNMENT.

On motion of Mr. WEBSTER, the joint resolution fixing the day for the adjournment of the two Houses for the 4th of July next, was taken up, considered, and concurred in.

PUBLIC DEPOSITES.

The Senate resumed the consideration of the bill to regulate the deposites of the public money.

The pending question, being on the motion of Mr. WHITE to reconsider the vote by which the bill had been recommited with instructions to report separate bills, a discussion ensued between Mr. WHITE, Mr. WRIGHT, (who asked for the yeas and nays, which were ordered,) Mr. WEBSTER, Mr. BENTON, Mr. CALHOUN, Mr. BLACK, and Mr. MORRIS; when the question was taken on the motion to reconsider, and decided as follows:

YEAS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, Mangum, Moore, Naudain, Porter, Prentiss, Preston, Robbins, Swift, Tomlinson, Webster, White—22.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Nicholas, Niles, Page, Rives, Robinson, Shepley, Tallmadge, Tipton, Walker, Wright—21.

Mr. WRIGHT moved to amend the instructions; when,

On motion of Mr. WEBSTER, the further consideration of the bill was postponed, and it was made the special order for to-morrow.

PUBLIC LANDS.

On motion of Mr. EWING, of Ohio, the Senate took up for consideration the bill to change the mode of conducting the sales of the public land.

After discussion, in which Mr. BLACK, Mr. EWING, of Ohio, and Mr. PORTER, participated, on motion of Mr. PORTER, the bill was laid on the table.

On motion of Mr. HUBBARD, the Senate proceeded to the consideration of executive business; and, after remaining a short time with closed doors,

The Senate adjourned.

THURSDAY, JUNE 16.

HUMPHREY MARSHALL.

On motion of Mr. LINN, the Senate took up for consideration the report of the Committee on Pensions, adverse to the claim of Humphrey Marshall.

Mr. CRITTENDEN moved to reverse the decision of the Committee.

Mr. TOMLINSON ably, and at length, defended the decision of the committee, and illustrated the principles on which it was founded.

The discussion was further continued by Mr. CLAY, Mr. CRITTENDEN, and Mr. WHITE, against the decision of the committee; and by Mr. LINN, Mr. NILES, and Mr. TOMLINSON, on the other side.

Mr. WHITE moved a modification of the report.

On motion of Mr. KING, of Alabama, the subject was then laid on the table.

MICHIGAN.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House had passed the bills from the Senate "supplementary to the act to establish the northern boundary line of Ohio, and for the admission of Michigan into the Union;" "the bill supplementary to the act for the admission of Arkansas into the Union, and to provide for the execution of the laws of the United States in the same;" and "the act to provide for the execution of the laws of the United States in the State of Michigan," with amendments, in which they asked the concurrence of the Senate.

On motion of Mr. BUCHANAN, the Senate concurred in the amendments to the two first-mentioned bills; when

Mr. BUCHANAN moved that the Senate disagree to the amendment to the last. This amendment reduces the salary of the district judge of Michigan, from $2,000, as established by the Senate, to $1,500.

On motion of Mr. CALHOUN, the amendment was laid on the table.

PUBLIC DEPOSITES.

On motion of Mr. WEBSTER, the Senate took up the bill to regulate the deposites of the public moneys; the question being on Mr. WRIGHT's motion to recommit the original bill, with the substitutes reported by the select committee, and the amendments adopted by the Senate, to the Committee on Finance, with instructions to divide them into two separate bills, so that one shall contain all that relates to the regulation of the deposite banks, and the other shall contain all that relates to the disposition of the surplus.

Mr. CALHOUN had no desire to embarrass this motion by any indirection or technicality; but he was exceedingly desirous that the parliamentary rule should be observed within a reasonable degree. The first question was on striking out the original bill, introduced by himself, and inserting the substitute; and in that state of the question the gentleman from New York moved to refer it, with the substitute and amendments, to the Committee on Finance, with instructions. He held that they could not refer amendments under any parliamentary rule; and that, in recommitting the bill, all the amendments not concurred in in the House fell to the ground. Now, these instructions referred to the amendments made to the bill in Committee of the Whole; and therefore they referred to a matter which, under the parliamentary rule, could not go before the Committee on Finance. He contended that when a bill was referred to a committee, all that it could do was to recommend amendments to it.

[Mr. C. here read the rule relating to the subject.]

The only parliamentary way in which the gentleman could get at his object would be to move to strike out the thirteenth section, and bring it in as another bill.

Mr. WRIGHT said that he was perfectly unable to debate points of order, and was quite unwilling to engage in such discussions. His object was to avoid all technicalities, and to get at the sense of the Senate in the shortest possible way; and he therefore begged the presiding officer to decide the point of order. He would, however, observe that he was unable to discriminate between the committing a bill to a committee, with instructions to separate it into two parts, and the motion to strike out one part of a bill, and bring it in as a whole bill.

The CHAIR (Mr. KING, of Alabama) stated that he had no doubts on the subject, as to the power of the Senate. It could not only recommit the whole bill, but any portion of a bill, leaving the residue of it precisely as it stood either in committee or in the House. The parliamentary rule was precise. They could commit any portion of a bill to one committee, and the other portion to another committee, with instructions; and if they could thus commit two parts of the same bill to two different committees, it followed, of course, that they could instruct one committee to separate a bill into two parts. When it came, thus separated, before the Senate, it was in their power to take either proposition, or both, as the majority might decide.

[The CHAIR here read the rule, as follows:

"A particular clause of a bill may be committed without the whole bill, or so much of a paper to one and so much to another committee."—*Jefferson's Manual, page* 148.]

With respect to any amendments that had been made, it was the opinion of the CHAIR that they would fall when such commitment was ordered, unless they had been agreed to in the Senate; but this result can always be prevented by giving instructions.

Mr. MORRIS observed that it would be recollected that he stated to the Senate yesterday, that, in his opinion, it would be better to keep the two principles contained in this bill together. He yesterday voted to divide them, and he did so for the accommodation of those gentlemen with whom he usually acted. Since that time he had conversed with several of his friends on the subject, and they had come to the conclusion that it would be best, under all circumstances, to keep all the parts of the bill together. He should now, therefore, reverse his vote, in order that the whole subject might be considered in all its parts at the same time.

The question was here taken on Mr. WRIGHT's motion to recommit the bill, and it was rejected: Yeas 21, nays 25, as follows:

YEAS—Messrs. Benton, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Niles, Page, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, Wright—21.

NAYS—Messrs. Black, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Moore, Morris, Naudain, Porter, Prentiss, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—25.

Mr. WALKER offered an amendment, the effect of which was to strike out the ratio of the distribution of the surplus as provided for in the bill, and make it in proportion to the respective representation of the States in the Senate and House of Representatives.

On this subject, Mr. W. said he desired to call the attention of the Senate to a table, made out by a very accurate young gentleman, demonstrating what would be made in the portions of eighteen of the States, if his amendment should be adopted.

Mr. W. then read a table, showing that eighteen of the States will be the losers to a considerable amount by the distribution under the census of 1830. Now, it was admitted on all hands that there could be no constitutional objections to the proposition embraced in this amendment. When the land bill was under discussion, he offered an amendment on this principle, and it was

resisted on the ground that it was in violation of the ordinance of the State of Virginia. If there was to be any apportionment among the States, he appealed to every Senator if it ought not to be in accordance with equality and justice—that is, on the principle of population—not at the time the census of 1830 was taken, but at the time the distribution is to take place. This he considered the only just principle of distribution.

Mr. W. then read another table, showing what would be the ratio of distribution according to the representation in the Senate and House of Representatives, and went on to show that this would be more equal and more just. If the distribution was made according to the census of 1830, twenty-two States would be losers; but if they distributed according to the electoral college ratio, as he proposed, only two States would be the losers, and these two of the larger States, who would lose to a very small amount. The distribution, as at present proposed, he looked upon as doing the greatest injustice to those new States whose population had increased since the last census.

Mr. WEBSTER was very willing to make any provision in this bill for the inequalities produced by the increase of population in the new States, but he was of opinion that there were insuperable difficulties in the way, and that the only plan of distribution that could be adopted was the one in the bill.

Mr. CALHOUN had been in favor of the plan of distribution proposed by the Senator from Mississippi, but had yielded his wishes in the committee, on the ground that it could not be carried through. It was in vain to contend against the opposition of six of the large States; and under these impressions he was constrained, though reluctantly, to vote against the amendment.

Mr. BENTON was glad that the Senator from Mississippi had taken the trouble to make out a table which showed the unequal working of this bill. He was glad that the Senator had made his motion, if no other good should result from it than to demonstrate the progress of this desire for dividing money. Up to the present time there had been a disposition to lean towards the weaker States, and to allow something for the rapid increase of their population. But as the disposition to get hold of the public money became stronger, this disposition to do justice to the new States decreased in proportion. And here he would remark that there was another consequence of this disposition to get hold of the public money, which was, that finding the surplus not enough, they must take the unexpended balances. If he could be willing to derive any good out of a great evil, he would let this bill pass—it would soon work its own cure. It had been predicted in the beginning of the session that the country would be utterly ruined, that the Government must stop, if the land bill was not passed; and now that the bill had passed the Senate, every man of common sense must be convinced that an end would be put to the Government if it ever went into operation, and it now seemed to be given up by all its friends.

He would repeat it on every occasion, that it was now nearly the close of the session, and that in the progress of dividing the public money they had wholly neglected the defences of the country. Not a dollar had, as yet, been expended for fortifications; for those fortifications about which there was so much crimination and recrimination at the commencement of the session; and the bill to fill up the ranks of the army was not yet acted on, though one portion of the country was suffering under the horrors of an Indian war. He stated these things for the purpose of marking the progress of this desire to get hold of the public money. The next thing would be the imposition of a high tariff, supported by the strong States, for the purpose of supplying a new fund for distribution.

Mr. WALKER's amendment was then adopted: Yeas 23, nays 22, as follows:

YEAS—Messrs. Benton, Black, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Nicholas, Page, Porter, Rives, Robinson, Ruggles, Shepley, Tipton, Walker, Wall, White—23.

NAYS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Kent, Knight, Leigh, McKean, Mangum, Morris, Naudain, Prentiss, Preston, Robbins, Southard, Swift, Tallmadge, Tomlinson, Webster, Wright—22.

Mr. HENDRICKS said that he felt it his duty to offer an amendment to this bill before it was reported to the Senate, which he had occasion to refer to before. It was in reference to the interest provided for in the eleventh section. Some of the banks could not, under this section, become depositories of the public money and pay interest on it, because they were expressly prohibited by their charters from loaning it or deriving any advantage from it. Mr. H. then moved to add the following, as an amendment to the clause providing for the payment of interest:

"Except in cases where the charters of said banks prohibit them from doing business on such deposites."

Now he would state (Mr. H. said) that the Bank of Indiana was prohibited by her charter from discounting on her deposites; and, therefore, not being able to derive any profit from these deposites, they would not be willing to receive them on the condition of paying interest for them. If this amendment of his should not prevail, the interest clause ought to be entirely stricken out, for it could not be expected that banks would pay interest on deposites that they could not make any profit from.

Mr. WRIGHT said that he understood the restriction on the Indiana banks was, that they were prohibited from having more than twice the amount of their capital due to them at any one time; and the Senator from Indiana was not sure, therefore, that his amendment would reach the object. The same restriction (Mr. W. said) applied to all the banks in New York.

Mr. HENDRICKS read the provision in the charter of the Bank of Indiana, and explained that, under it, the banks never made any use of these deposites at all.

After some remarks from Mr. EWING and Mr. PORTER,

The amendment of Mr. HENDRICKS was rejected, without a division.

Mr. CLAY, after some remarks, moved to strike out, in the 11th section, the word "two," and insert "four," so as to make the banks pay an interest of four per cent. on the deposites, instead of two.

This motion was opposed by Messrs. WRIGHT, KNIGHT, and EWING of Ohio.

Mr. HUBBARD, after some remarks, requested Mr. CLAY to withdraw his amendment, stating that, as the bill now stood, he could vote for it; but if the amendment prevailed, he should be compelled to vote against it.

Mr. CLAY then, by unanimous consent, the yeas and nays having been ordered, withdrew his motion.

On motion of Mr. WALL, the bill was further amended, by providing that the Secretary of the Treasury shall, as far as the public interest will permit, employ at least one deposite bank in each of the States and Territories.

Mr. WRIGHT then moved to strike out the 13th and 14th sections of the bill providing for the deposite of the surplus, after the 1st of January, with the States, and to insert a provision authorizing the commissioners of the sinking fund to invest it in stocks of such of the States as have stocks, bearing an annual interest of —— per cent.

After some remarks from Mr. WRIGHT, this motion was rejected: Yeas 4, nays 39, as follows:

YEAS—Messrs. Cuthbert, Rives, Tallmadge, Wright—4.

NAYS—Messrs. Benton, Black, Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Naudain, Nicholas, Porter, Prentiss, Preston, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tipton, Tomlinson, Walker, Wall, Webster, White—39.

Mr. BENTON moved to strike out the words "deposited with," in the 13th section, and to insert "loaned to," so as to read that the [*surplus*] shall be loaned to the respective States, &c.

Mr. BENTON accompanied this motion with some remarks in its favor.

Mr. MORRIS opposed the amendment. The constitution, he said, prohibited Congress from loaning money. Now, he should be glad to know from the Senator from Missouri in what provision of the constitution he found the authority for making a loan to the States, or to any body else.

He voted for this bill expressly on the ground that it was a deposite of the public money with the States for safe-keeping, and not a loan, to which he was constitutionally opposed. The change that this bill had undergone since it was first introduced, making it a deposite bill instead of a loan bill, had enabled him to give his support to it.

Mr. BENTON said it was not for him to settle the gentleman's constitutional scruples. All he wanted was to call things by their right names; and this being to all intents and purposes a loan to the States, he wished to call it so in the bill.

On taking the question, Mr. BENTON's motion was rejected: Yeas 5, nays 37, as follows:

YEAS—Messrs. Benton, Grundy, Niles, Tipton, Wright—5.

NAYS—Messrs. Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, McKean, Mangum, Morris, Naudain, Nicholas, Page, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tallmadge, Tomlinson, Walker, Wall, Webster, White—37.

Mr. WALKER moved to amend the bill by providing that the portion intended to be deposited with the State of Mississippi shall be deposited for three years, without interest, in the Planters' Bank of Mississippi, and to allow the Legislature of said State an opportunity of passing a law to authorize its receipt.

This motion was rejected: Yeas 15, nays 26.

Mr. WALL then moved to amend the bill in the first section by inserting, after the words "conform thereto," the words "always having a regard as to the amount deposited, as far, in the opinion of the Secretary of the Treasury, as is consistent with the public interest and the fiscal operations of the Government, and the relative representation of each State and Territory in both Houses of Congress."

This motion was lost without a division.

The bill was then reported to the Senate as amended; when

Mr. WEBSTER moved to strike out the amendment made on motion of Mr. WALKER, as to the ratio of distribution, and to insert again the part stricken out; and supported his motion in an argument of some length; but,

On taking the question, Mr. WEBSTER's motion was lost: Yeas 22, nays 23, as follows:

YEAS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Kent, Knight, Leigh, McKean, Mangum, Morris, Naudain, Prentiss, Preston, Robbins, Ruggles, Southard, Swift, Tallmadge, Tomlinson, Webster, Wright—22.

NAYS—Messrs. Benton, Black, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Nicholas, Niles, Page, Porter, Rives, Robinson, Shepley, Tipton, Walker, Wall, White—23.

Mr. TIPTON moved to strike out the eleventh section, which charges interest on the deposites in the banks.

Mr. T. said that he desired very much to vote for that part of the bill, now before the Senate, that provided for the distribution of the surplus revenue of the United States among the several States; and he regretted to find that part of the bill in such bad company as the eleventh section, compelling the deposite banks, in which the public moneys were deposited, to pay interest of two per cent. on them. It might be fair to charge interest on deposites in banks that discounted on them; but this was not the case with the State Bank of Indiana. The charter of that bank prohibited issues on their deposites; and, as the business was now transacted, the deposites were of mutual benefit to the United States and the bank, as the money of the bank was receivable in the United States land offices. That bank would reject the public deposites, if interest was charged on them; as they would not be willing to pay even one per cent. to retain them, and the United States would have to transport their money beyond the limits of Indiana, and deposite it in a bank perhaps not so safe as he knew the Bank of Indiana to be.

On taking the question, Mr. TIPTON's motion was rejected: Yeas 7, nays 39, as follows:

YEAS—Messrs. Ewing of Illinois, Hendricks, Morris, Nicholas, Tallmadge, Tipton, Wright—7.

NAYS—Messrs. Benton, Black, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Grundy, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Naudain, Niles, Page, Porter, Prentiss, Preston, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tomlinson, Walker, Wall, Webster, White—39.

Mr. WALKER moved to amend the reported amendment, by inserting, at the end of the fourteenth section, these words: "Provided, also, that the amount directed by this act to be deposited with the State of Mississippi be and remain deposited, without interest, in the Planters' Bank of the State of Mississippi, until time be afforded for passing an act by the Legislature of the State of Mississippi, authorizing the receipt of the portion of that State under the provisions of this act."

The question on this amendment was decided in the negative: Yeas 21, nays 24, as follows:

YEAS—Messrs. Benton, Black, Buchanan, Calhoun, Cuthbert, Ewing of Illinois, Grundy, Hubbard, King of Alabama, King of Georgia, Linn, Moore, Nicholas, Niles, Page, Preston, Rives, Robinson, Shepley, Walker, White—21.

NAYS—Messrs. Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Morris, Naudain, Porter, Prentiss, Robbins, Ruggles, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster—24.

Mr. BLACK moved to strike out the thirteenth and fourteenth sections of the bill, which provide for the deposite of the surplus with the States. Rejected: Yeas 7, nays 39, as follows:

YEAS—Messrs. Benton, Black, Cuthbert, Grundy, Niles, Walker, Wright—7.

NAYS—Messrs. Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Ewing of Illinois, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, King of

Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Morris, Naudain, Nicholas, Page, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, White--39.

The amendments were then concurred in, and the bill was ordered to be engrossed for a third reading, by the following vote:

YEAS—Messrs. Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Morris, Naudain, Nicholas, Niles, Page, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, White—40.

NAYS—Messrs. Benton, Black, Cuthbert, Grundy, Walker, Wright—6.

The Senate then adjourned.

FRIDAY, JUNE 17.

The CHAIR communicated the following letter:

SENATE CHAMBER, *June* 16, 1836.

SIR: I beg leave to inform the Senate, through you, that I have resigned my seat, as a Senator from the State of Delaware, in the Senate of the United States, from and after this day.

In thus taking leave of the Senate, permit me, sir, to tender to you, and, through you, to the body over which you preside, the assurance of my high regard.

I am, sir, most respectfully, your obedient servant,

ARNOLD NAUDAIN.

To the Hon. MARTIN VAN BUREN,
President of the Senate.

DEFENCE OF NARRAGANSETT BAY.

Mr. ROBBINS, of Rhode Island, presented the following resolutions, which were read:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
In General Assembly, May Session, A. D. 1836.

Resolved, That, in the opinion of this General Assembly, it is highly expedient that all such fortifications as may be adequate to the best defence and protection of the waters of the Narragansett bay and its adjoining coasts and country be completed by the United States, in such manner and at as early a period as is consistent with the convenience of the Government, and a proper regard to the effective construction and durability of said works, as well as to the importance of its waters for purposes of navigation.

Resolved, That, in the opinion of this General Assembly, supported by the united opinions of the most eminent engineers, the Narragansett bay is susceptible of a complete defence; that, being accessible at all seasons of the year, and with nearly every wind, to the largest fleets which this country can ever maintain, it offers them within its bosom the only safe station, comprising such advantages, north of the Chesapeake bay; that it is invaluable as a port of expedition and naval rendezvous; and that thus not only the State, but the whole Union, is interested in its effective defence.

Resolved, That our Senators and Representatives in Congress be requested to lay these resolutions before the respective bodies of which they are members, and to use their best exertions to obtain the necessary appropriations to carry into effect the views of this General Assembly, as before expressed.

True copy. Witness:

HENRY BOWEN, *Secretary.*

After these resolutions were read, Mr. ROBBINS addressed the Senate as follows:

I am glad of the opportunity afforded by these resolutions to speak upon a subject on which very erroneous ideas, or rather very imperfect conceptions, have obtained; I mean the importance of those waters, the subject of these resolutions, as connected with the naval defences of the country, and of the unwise, not to say culpable, neglect they have met with from the Government.

For securing maritime power and defence to this country, the waters of Narragansett bay present the most important point for a naval station and depot; by far the most important of any on the whole line of our seacoast, from the northeastern extremity of Maine, on the bay of Passamaquoddy, to the mouth of the Sabine, on the Gulf of Mexico. I say this on the authority of the ablest naval engineers of the world, especially of those of France and England, as well as of our own country; not only of the present time, but of all time back to our revolutionary struggle; all concurring in this opinion, an opinion founded upon a detail of the comparative advantages of these waters, with the waters of all other ports on our coast; a detail bottomed on actual and accurate and scientific inspection and examination and survey, and tested too by experience. France and England have possessed themselves, and long since, of the most accurate and minute surveys of those Rhode Island waters, with all their soundings and bearings, and with all their naval facilities of every description. Their knowledge on this subject has been, till recently, much more complete than our own; and it is a fact that our surveys have been perfected by means of theirs. Their appreciation of the decisive and pre-eminent importance of those waters, in case of a war, has gone far before our own. As one proof of this, let me remind the Senate of one historical fact. At the treaty of peace in 1783, France had an idea of effecting a transfer of our dependance on Great Britain to a dependance on herself; and discountenanced our insisting on the acknowledgment of our independence by Great Britain as a preliminary to the treaty, and would have made the treaty the sole basis and guarantee of our independence, and herself its guardian; and, to strengthen her in this character of guardian, manifested a desire to have ceded to her a foothold in this country--suggesting that the island of Rhode Island should be that foothold, where and whence she could most effectively wield her power for our protection. But our ministers convinced the British minister that it was their interest as well as our own that their acknowledgment of our independence should be a preliminary to any treaty; and France was thus baffled in her sinister scheme.

I recollect in a conversation I once had with General Hamilton, many years ago, he spoke to me of the paramount importance of the waters of Rhode Island, in a view to our maritime power and defence; and then remarked to me that he had had occasion to know that they were viewed in the same light by the Governments both of France and England. Indeed, when the case is understood in all its merits, it decides itself; for then every one must see that, as to maritime power and defence, these waters present a point, formed by nature herself, to be, as those nations consider it, the Gibraltar of this country. And as it would be in our hands for power and defence, so it would be in the hands of the enemy for power and offence. With a firm foothold there, the enemy would hold the reins in his own hands, to control the war, and direct its storm at will both by sea and land.

I have said that those waters possess advantages in the aggregate beyond comparison before those of any other port on our whole maritime frontier; and, I now add, beyond those of any other port in the whole world. I say this, too, on the authority of those who have seen all our ports; who have visited the most celebrated ports in other parts of the world; who have made the subject a

study, a professional, a scientific study; and who have compared and contrasted their respective and peculiar advantages. Other ports have some of the advantages in equal degree; but, in the aggregate of advantages, none can stand in competition with that port. This is not the time nor place for the particular detail, comparison, and contrast, proper for a full illustration of this fact; but a few of its prominent and more peculiar and pre-eminent advantages may now be indicated.

None, then, can compare with it for depth and safety of its waters; safely ensured by the boldness of its shores, its freedom from shoals and sunken rocks, its excellence of anchorage ground, all combined with facility of ingress and egress to and from the ocean, and that, too, to the largest ships of the line; a facility always existing, at all times existing, never to be impeded by the obstructions of ice; and never to be denied to that, as it is to all other ports on our coast during the prevalence of certain winds, and those the most tempestuous and disastrous of all others to navigation on our coast, and most imperiously demanding the protection of some harbor.

Look at New York, for instance, and in comparison; her waters only admit the ingress and egress of frigates, and not frigates of the largest class at all times of tide; these must wait its high flood. Her bars interpose delays to their egress and ingress; delays always injurious, and, under given circumstances, would be disastrous—might be fatal. It is a port, then, incommodious as a station for frigates; for our ships of the line it cannot be a station, nor a harbor to fly to for refuge. In the last war one of our frigates got a wound in passing those bars that crippled her for the cruise, and disappointed all her expectations. Yet, what immense sums have been expended for our naval establishment at New York, while nothing has been expended for one at Rhode Island—a place, nationally considered, so much more important; as if we had forgotten to remember that New York, though important, is not the country.

Those Narragansett waters are at a point, too, in relation to the whole Atlantic frontier, which gives it a decided advantage over every other for sending expeditions to sea for the protection or relief of any part of the coast, or for naval war on the ocean. It is the vantage ground for commanding and ruling all the operations of naval warfare. Then it is susceptible of defences that will render it impregnable; giving safety to all within its waters against any assailing force. The plan of defences projected under the administration of a gentleman now an honorable member of this body, if completed, would give it this security. This safety to our fleets while within those waters is combined with this singular advantage, that they could not be shut in and confined there by blockade; for it is incapable of being blockaded by any fleet, however superior.

Add to all this, that these waters abound with sites for every species of naval establishment, and of naval preparation; placed in that happy medium between the extremes of heat and cold, as to be, of all others in the world, the most favorable throughout the year to health and to labor. On a smaller scale, it is another Ægean sea, with islands as beautiful, though not as celebrated; and here let my partiality add, with daughters vying in beauty with Ionian maids. In saying all I have said in favor of that station, and in giving it a preference to all others for a naval establishment, I but say after our most skilful naval engineers; I but repeat what I have learned from their reports, and from our most eminent naval men, with whom I have frequently conversed on this subject. I but express their opinion; their settled, their undivided, their unanimous opinion; an opinion enlightened by professional science, and matured by experience, by observation, by frequent comparison, and by long reflection; an opinion in which truth herself must be presumed to speak.

It is true the Secretary of War, a mere military man; eminent, if you please, as a military man; eminent, I know, for other merits, but still a mere military man, stepping out of his own appropriate province into the province of the navy, dissents from this opinion; and for reasons that show how little entitled he is to revise their opinion, to rejudge their judgment, and to overrule it. The Secretary represents that the enemy might find at Gardner's Island, in Long Island Sound, or at Buzzard's Bay, in the Vineyard Sound, an equivalent substitute, as a station, for the waters of Rhode Island; an idea that never in all time has once entered into the head of any one naval man of our country, or of any other. I venture to say that, to every naval man of our country, or of any other, acquainted with these waters, the idea would appear preposterous. I must doubt whether the Secretary has ever seen the waters of his substitutes; or, if so, whether he is at all advised of the requisites of a secure station for fleets with their line-of-battle ships. The waters of Rhode Island would be a station permanently secure, year in and year out, for the largest fleets with their line-of-battle ships. Can this be predicated of Gardner's Island or Buzzard's Bay? Those places may, and do, afford a temporary summer station for single frigates or small squadrons; but did either ship or squadron ever attempt, or dare attempt, to winter at either? Never. As a permanent station for fleets, with their line-of-battle ships, such an idea never has, and never would, enter into the head of any naval commander.

Again, the Secretary represents that if the enemy took possession of Rhode Island with a superior fleet, he might easily be driven off by the land forces that might be concentrated and rapidly brought to bear upon that point. But what do our naval engineers and naval men say on this point? They say:

"If Narragansett bay was left in its existing state as to defence, an enemy would seize it without difficulty, and, by the aid of his naval supremacy, form an establishment in Rhode Island for the war. For this purpose, it would be sufficient for him to occupy the position of Tiverton Heights, opposite Hawland's ferry, which is of narrow front, easy to secure, impossible to turn. He might then defy all the powers of the eastern States."

Never was more strikingly displayed the difference between writing *de arte*, which any body can do, but which is of very little value when done, and writing *ex arte*, which only the artist can do; but who only can give the true lesson, the lesson to be trusted to, the lesson to be guided by; than is displayed by the communication of the Secretary of War, and the reports of our naval engineers. I can write concerning statuary; so can you, so can any one else; but it is only the artist who can give the true lecture upon the art. What should we think of his sense who should adopt my crude ideas for his guide and his government, and reject those of a master statuary? Our folly would be scarcely less to take the ideas of a mere military man for our guide and our government, as to naval engineering and tactics, as to naval *desiderata*, and naval capabilities to supply them; in a word, as to all resources for a naval warfare, who has never made a study of either, and to reject the instructions of men who have made these things the study and business of their lives, whose profession they are, and who are pre-eminent in their profession. The true way of testing the value of the Secretary's ideas would be to suppose them addressed to one of our eminent naval engineers, versed in naval tactics, and intimately acquainted with all our waters, and all our naval capacities, and to see how they would strike his mind. I

fancy he would feel very much as Hannibal did when he heard the eloquent Grecian sophist harangue before him on the art of war; displaying, no doubt, all those common sense plausibilities on the subject, of which my honorable friend from Virginia [Mr. RIVES] seems to think so highly, while he undervalues and speaks so disparagingly of the lessons of professional and practical wisdom. All the audience were in raptures with the eloquent oration, and loud in its praises—all except Hannibal; he was mute; but, being pressed for his opinion, he at length said: "Why, gentlemen, I have seen fools before, and heard them speak, but I never before listened to any thing quite so foolish." Our naval engineers might be too courteous to speak out as Hannibal did; but secretly, I have no doubt, he would feel exactly as Hannibal did, especially as to this part of the Secretary's report. Here I cannot forbear saying that his general ideas as to a system of naval preparations proper for this country to adopt, appear to me to have been hastily taken up—to want comprehension; in a word, that his sketches, meant for an outline of a system, appear to me not to be the sketches of a master mind; at least not of a master mind exerted on this subject. His system looks only to the operations of defensive war; not to the operations of offensive war as well as the defensive. And as to defensive war, his system looks primarily to that of particular cities, and not primarily, as it ought, to that of the whole country; in which case that of the particular cities would of course be included. Such a system as this for this country must be essentially defective; far from what it ought to be, far from what a perfect system would be. Surely this country ought to possess herself of the means of concentrating at will the whole force of her naval marine at some commanding point, and of thence directing at will that force in all its operations; and, further, she ought to make it impossible for the enemy to deprive her of these means. Though this object is attainable, demonstrably so, yet the Secretary's scheme aspires to nothing of the kind; on the contrary, he would leave the country in such a state as would give to the enemy an opportunity to possess herself of such means, and to turn them against the country. Giving credit to the Secretary for talents, as I do, I repeat that I think he must have taken up his ideas on this subject hastily, from a superficial acquaintance with naval subjects, contenting himself with the common sense views which present themselves to a mind not enlightened by naval science, nor improved, nor seeking to be improved, by the lessons of professional and practical wisdom—ideas which, I am persuaded, he himself, on better information and further reflection, will renounce as unworthy of his high reputation.

If that day is to arrive when we are to have a great naval war, to assert rights or redress wrongs, as so many predict, and which is but too probable, from the conflicting claims and unsettled rights of nations on the ocean; and from the selfishness of arrogant power, making itself its own arbiter of contested rights, and deciding, almost invariably, in its own favor—it is, I say, but too probable that we are to have such a war. How soon, we must leave to the revelations of the unknown future. But, admonished by recent events, when another brand added to the fuel might have kindled into such a war, it would be fatuity to blind ourselves to the danger involved in the future, or to be unprepared for it when it does come. In the event of such a war, when the question is probably to be settled, whether we are to have our equal share of the equal dominion of the ocean, or to yield its supremacy to another Power—who can imagine that in this great contest the enemy will content himself with hovering on our coasts with his fleets, and thence making his predatory incursions on our shores? No; he would, if he could, plant himself on our coasts, in some position where he could have a secure rendezvous for his fleet; and whence he could command our whole commerce—strike where he pleased and when he he pleased; and keep our whole immense extent of seaboard in one continual turmoil of alarm. Now Rhode Island, beyond all other places, would be exactly this position, and he would bend all his efforts to possess himself of it, and to intrench himself there. From that moment we should carry on the war under every disadvantage. He would compel us to multiply our land forces so enormously as to make the burden intolerable; or to leave our seaboard a prey to his predatory incursions. In one campaign he would make the difference of the expense of the war to us more than tenfold the cost of securing that Gibraltar to ourselves. With its possession, and secured to us as it may be, we should carry on the war with every advantage. With that Gibraltar in our hands, our fleets would do more towards the protection of our coast and our commerce than an army of a hundred thousand men, however judiciously placed on our seaboard. All the European commerce to the American seas, which, on its return, must pass along our coast, with that Gibraltar in our hands, would be peculiarly exposed to the enterprises of our naval marine. There and thence we should let slip the dogs of war, almost in sight of the congregated and passing game, to course it down and make it their prey. With that Gibraltar in our hands, no fleet of the enemy could live long upon our coast. For, at times, all fleets must find a refuge somewhere from the perils of the ocean; and those waters, too, as before remarked, afford the only port that can be made during the prevalence of certain winds, and these the most tempestuous and the most disastrous of all others to vessels on our coast; and, to crown all, those waters are incapable of being blockaded. All the fleets in the world could not blockade them. Now, what would it cost to make and secure to ourselves the possession of that Gibraltar? About a million and a half of dollars. The honorable gentleman from Missouri [Mr. BENTON] says the expense of the works begun there has already exceeded the estimate, viz: $750,000. But the estimate he refers to was the conjectural estimate made without data, but the estimate made upon data was $1,600,000; and there is every probability that to complete these works will not exceed that amount of expense, $1,600,000! Why, it is but a drop to the ocean, compared to the power it would give us for the war upon the enemy, or the power it would give the enemy, if in his hands, for the war against ourselves.

If all these States were but one country, with but one head, looking to the whole, and only to the whole, and that head intelligent and thoroughly instructed in all his faculties and means of maritime power and defence, I hesitate not to say he would not lose one moment in making the waters of Narragansett bay the headquarters of all his naval preparations and operations. Why, then, has this great national concern been neglected by the nation so far as it has been neglected? From the combined influence of two causes: First, because the great and peculiar natural advantages of this point have not been fully appreciated, from not having been generally understood; and, secondly, because sectional interest has prevailed over the general interest. Points of minor importance to the whole country have carried it by the force of this sectional interest against the whole country. This should not be so. Why should the great West, for instance, and especially those who have a common interest in the maritime power and defences of the whole country, and only that common interest, throw their weight into the scale of any sectional interest on the Atlantic border, in opposition to the general interest? Why should they injure themselves by

injuring the common country, to benefit, in particular, any one of the Atlantic States? The squabbles of the Atlantic States for preference in naval establishments and appropriations are nothing to them; and, instead of being parties to them, you ought, ye men of the West, to act as umpires, to decide between the contending States, and to decide always and only in reference to the common good.

If our country herself would speak to her family of States, I believe she would say:

"Hushed be the voice of every State pleading for herself and her separate interest, and listen to mine. My interest is your interest, collectively; and, whatever you may think to the contrary, your interest individually. My great danger lies in the East, and is to come when it does come, from that quarter and on my seaboard. The ocean is to be my battle-field; the navy to be my strong arm to fight with and to strike down the enemy. Would you have that arm crippled, and its blows enfeebled? Then give to the enemy the superiority, by giving to him the means to acquire it. Give him, by your neglect, an opportunity to acquire a secure station for his fleets in the Narragansett waters, and thus a bridle-hold upon the country. But if you would give to that arm irresistible strength; if you would clothe it with the energy of the thunders whose bolt nothing can resist, and whose voice quails the world, you will make those waters the headquarters of your naval preparations, you will make that a Gibraltar, and will make it your own forever."

Mr. R. concluded by submitting to the Senate the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the commissioners of the navy board be, and are hereby, authorized and directed to report to the next session of Congress a plan for a navy establishment in the waters of Narragansett bay, Rhode Island, with all such works, and at such points, as are proper therefor, to make it one of the principal naval establishments of the United States; and also to report an estimate of the expense thereof.

[The resolution came up for consideration on the following day, and was agreed to.]

PUBLIC DEPOSITES.

The engrossed bill to regulate the deposites of the public money, &c., was read a third time; and the question being on its passage,

Mr. WRIGHT said his connexion with the subject generally, and with the bill under consideration more especially, had compelled him to take a more active part in the discussion than had been pleasant to him, or agreeable to the Senate; that he had refrained from any interference with this important matter until any further movement upon it had been expressly abandoned by the honorable Senator from South Carolina, [Mr. CALHOUN,] who had first, and upon one of the first days of the session, introduced a bill to regulate the deposites in the banks; that, after that abandonment, he had called up the bill, and proposed a substitute; that he had connected with that substitute propositions for the temporary investment of any surplus, beyond the probable wants of the Treasury, which should be found in the banks at the commencement of each quarter of each year; that, subsequently to the offer of these propositions, he had concluded that the terms of investment were not sufficiently restricted, and he had modified his provisions so as to allow investments in the stocks issued by the States only, and not in any other description of stocks whatsoever; that, subsequently to this time, the Senator from South Carolina [Mr. CALHOUN] had seemed to resume his interest in his original bill, and had offered modifications of a character calculated and intended to distribute among the several States, in a proportion regulated by their respective representations, not in the House of Representatives, but in the Senate and House of Representatives of the Congress of the United States, all the moneys which might remain in the Treasury upon a given day beyond a sum to be fixed as the amount in the Treasury for that day.

Subsequently to that time, various propositions were laid before the Senate, by different members of the body, some of them containing new provisions, and others amendments of those which had been previously submitted. The question was one of the first importance to the public and to the Treasury, as well as to the general interests of the whole community. The currency of the country, the accommodations from the local banks, and consequently the prosperity of the commercial interests, were directly involved in our action.

Under these circumstances, the discussion upon the great question of a regulation of the deposites of the public money by law commenced. At the opening of that discussion (Mr. W. said) he had given his general views upon the whole subject. His subsequent duties in the Senate, and as a member of one of its important committees, together with the accumulated duties devolved upon him, connected with this bill, had prevented him from being yet able to present those views to the public; but he was now conscious that relief was at hand, and he should soon find it in his power to discharge that labor. Upon the views then expressed by him, he should rest himself for his general justification in the course he had taken.

It had been found, however, that a great diversity of opinion prevailed in the Senate as to the details of any bill, and that a recommittal would be indispensable, to so far incorporate the various propositions that the whole body could act upon them with any facility. After two days' discussion, that course had been suggested by himself, and concurred in upon all sides of the Senate. A select committee was therefore appointed, and the bill and all the amendments were referred to it, and the Senate had done him the distinguished honor, upon an election by ballot, to place his name at the head of the committee as its chairman. The standing and character and talents of the members of that committee had caused him to doubt, at every step, the soundness of his views and the propriety of his course, and the more especially so, as, upon every question of difference of opinion in the committee, he had found himself in the minority, and, upon some of the most important questions of difference, in a small minority.

He was most happy, however, to be able to say, that every question had been decided without passion or personal feeling, and that, so far as he could judge, all were disposed to frame a bill which would meet the approbation of the Senate.

A single question had excited peculiar interest with him. He had been most anxious to agree upon a bill to regulate the deposites of the public money in the banks; and when he found that no proposition for the disposition of any surplus, if surplus there should be, to which he could give his assent, could command the support of the majority of the committee, he had urged the separation of the two subjects, and the report of two separate bills; the one to regulate the deposites in the banks, and the other to provide for a more permanent disposition of the surplus. In this he was unsuccessful, as the majority of the committee preferred that the two subjects should be connected in the same bill.

Since the report of the committee of the Senate, he had made every proper effort in his power to produce that separation, and he could not but congratulate himself upon the fact that his first effort was successful; that

the first vote of the Senate sustained the propriety of his views, and directed the separation of the two subjects, (which he must say he considered in their nature and character entirely separate,) and the report of independent bills for each.

A reconsideration, however, had been proposed, and, after a night's deliberation, it was carried. The motion to recommit was then lost; and the determination of the Senate thus expressed that the two subjects should be coupled in the same bill, and should stand or fall together. From that time (Mr. W. said) he had felt himself relieved from all responsibility as to a deposite bill proper. He had found that no such bill could be passed in the Senate, without incorporating with it a perfectly separate and most important provision for giving the moneys in the Treasury to the States, under the name of a deposite. Such a provision contained principles to which he could not, for any consideration, give his assent; and after that vote, therefore, the bill to him had lost its value.

He had been still disposed, however, to adhere to it, and to make further trial to so modify its provisions as to enable him to give it his support. With this view he had again offered his propositions, which directed an investment of the surplus in the Treasury in State stocks, bearing an interest, and transferable at the pleasure of the holder, with authority in the Secretary of the Treasury to transfer them, when the wants of the Treasury should require money for the stocks. As against a proposition to loan the money to the States without interest, this proposition had met with little favor. He believed it had received but four votes in a full Senate. The reasons for a different disposition had appeared to him to be, that the money was the property of the people of the States, and, if not wanted for the uses of this Government, ought to be given to them without interest, instead of being invested upon interest. He was willing to admit that some force attached to this argument; but his mind had embraced the argument as relating to, and growing out of, the representative rights of the people of the States, and as referrible to their taxable liabilities. If the money belonged to the people of the States, and they had the right to use it without interest, it was because it had been accumulated by taxations upon them, as drawn from a common fund, in which they possessed a common interest. This he believed was the position assumed by the friends of the bill.

Would any member of the body, then, blame him for the surprise he had experienced when he found a principle of distribution incorporated in the bill entirely at variance with the rights of the people of the States, as resulting from the rate of representation or taxation established by our common constitution of government, when he found this body made an element in the rule of distribution of that money which had been drawn from the people of the States, to be returned to them, as the pretence was, because it was not wanted for the purposes of this Government? What was the rule of representation of the States here? A perfect equality. What was the representation of the people of the States, and the liabilities for taxation, in the other branch of this Legislature? There were sixteen States which would gain by the rule of distribution in the bill, which sixteen States were represented in the popular branch of Congress by eighty-one members; while there were eight States which would lose by the incorporation of the Senate as an element in the rule of distribution; which eight States were represented in the same branch of Congress by one hundred and fifty-nine members. The constitutional rules of taxation and representation were the same; were both based upon the federal members; and in neither was the representation in the Senate an element.

Would it be said that this was not a proposed distribution of this money to the people of the States, but a mere investment of it? Why then any reference to the representation of the States in either branch of Congress? And much more emphatically, why this reference to both, while a simple investment in securities of the same character, without reference to the principle of distribution, receives but four votes in the whole body? Surely no one will have the hardihood to say, in answer to these inquiries, that the disposition intended is not a distribution to the States according to a rule which is intended to be defended as just and equal. In this sense, could the rule of distribution be defended as just, as equal, as constitutional? He would leave the answers to these questions to those who supported the bill with this provision contained in it. For himself, he was ready and willing to say that, in his judgment, if a power existed to return the money to the people at all, the exercise of that power must follow the rule which raised the money from the people by taxation, or from that fund which they held in common, and in the same proportions which govern their liability to taxation.

Having thus explained himself as to the provisions and progress of the bill, he was content to rest upon the record of the proceedings upon the bill, which the journal of the Senate would show. If, in resisting this division of the moneys of the nation, he had misrepresented his immediate constituents, he desired that they should know the fact, and especially at this time, when it would so soon be in their power, without his consent, to fill the place he occupied with a better man. If, in refusing to yield to a rule of distribution which does them great injustice, he had been less liberal of their strict rights than they would wish him to be, he was equally anxious that they should be advised of his action, and thus have it in their power to redress themselves if they have been aggrieved.

Mr. W. said there was yet a question which he had not considered, but which must claim his principal attention. He had hitherto spoken of the progress of this bill, and of the rule of distribution adopted by it. He had not spoken, nor did he intend even yet to speak, of the constitutional power of Congress to use its taxing power to collect money from the people of the States, not to give back to the people who pay the taxes, but to place in the treasuries of the States without interest. This was a great question, which he hoped the people of the States would decide without argument from him, and to their decision he would most cheerfully submit. He was aware he might be answered that Congress could not use its taxing power under the constitution to raise moneys for distribution to the States, and that the fact that the money was in the Treasury had raised a necessity from which this power of distribution was assumed. When those who should use the argument would show him how it was to be ascertained that the money now in the Treasury was not raised for distribution, and how it was hereafter to be shown that any money in the Treasury was not raised for distribution, he would enter upon a further argument of the points; until then he would content himself with saying that Congress could possess no greater and no less powers for raising revenue than it had possessed from the adoption of the constitution to the present time, unless the provisions of that instrument, upon that subject, should be contracted or enlarged. The question to which he referred, and to the examination of which he asked the candid and unprejudiced attention of the Senate, was, how much money would remain in the Treasury on the 1st of January next, which could properly be termed "surplus," not required to answer the wants of this Government, and, therefore, to be given away to the States? He had taken some pains to inform himself upon this point, and

the best information he could obtain should be given to the Senate.

By a report from the Secretary of the Treasury, made to the Senate on the 6th day of June instant, the amount of money in the Treasury on that day, subject to draft, was $33,563,654; and in consequence of the late passage of the appropriation bills, and the rapid payments from the Treasury under them, that amount, over and above the current receipts, is now reduced to less than $33,000,000.

For the present (Mr. W. said) he would examine the charges now existing, and likely to be made, upon this sum; and what were they?

1. Balance of outstanding appropriations of the last year,		$5,170,000
2. Permanent appropriations chargeable upon 1836, viz:		
Pensions under the act of 7th June, 1832, about	1,300,000	
Pensions to revolutionary officers, per act of 15th May, 1828, about	160,000	
Virginia claims, per act of 5th July, 1832, about	52,000	
Gradual improvement of the navy,	500,000	
Arming and equipping the militia,	200,000	
Civilization of the Indians,	10,000	
Unclaimed dividends and interest of debt,	50,000	
Library of Congress,	1,000	
Three per cent. to new States from sales of lands,	500,000	
Proportion of French indemnity payable by the United States, being part of the amount to be paid by us by the treaty,	225,000	
		2,998,000
3. Appropriations already made at the present session of Congress, viz:		
Navy bill, about	$6,276,312	
Civil list,	2,767,981	
Supplement to civil list, about	71,770	
Army bill,	4,010,485	
Seminole war,	2,120,000	
District of Columbia debt,	1,570,000	
Pensions,	455,454	
Payment of members of Congress, &c.	843,880	
Volunteer army bill,	300,000	
Creek war,	500,000	
Concurrent resolutions as to claims of States against the General Government, say	200,000	
Private bills and miscellaneous appropriations already made, not less than	100,000	
		19,215,882

We, then, (Mr. W. said,) had certainty so far; and how did the account stand? The money in the Treasury at our last accounts, on the 6th day of June instant, was—

$33,563,654

There were then appropriations charged upon it as follows:

Outstanding appropriations of 1835,	$5,170,000	
Permanent appropriations for the service of 1836,	2,998,000	
Appropriations already made during the present session of Congress, towards the service of 1836,	19,215,882	
		27,383,882

Thus leaving a balance in the Treasury, unappropriated on the 6th day of the present month, amounting to 6,179,772

Since that time the Indian annuity bill has passed, and become a law, and, including the sums for the removal of Indians, appropriates about 1,800,000

Which, taken from the above balance in the Treasury, will leave $4,379,772

Mr. W. said he would now inquire, as briefly as was possible, what further appropriations remained to be made for the present year, and which he thought all would admit must be made. And here the first subject which had demanded his notice was the Indian treaties which have been ratified by the Senate during its present session. He would enumerate but two, the treaty with the Cherokees and with the Chippewas and Ottawas. These treaties required appropriations, at the least, to the following extents:

The Cherokee treaty to the amount of	$5,600,000
The Chippewa and Ottawa treaty to the amount of	1,500,000
The fortifications had occupied much of the attention of the present Congress, but, as yet, nothing had been appropriated towards them. The Senate had sent a bill to the House, providing for the purchase of sites, and the commencement of new works, and appropriating for that object about	1,100,000
A bill was pending before the House to provide for continuing the work upon the existing fortifications, and proposing to appropriate for that object about	2,250,000
A bill for the continuation of the Cumberland road had been sent from the Senate to the House, proposing appropriations for that object to the amount of	600,000
Bills were before the two Houses, and most of them had passed the one House or the other, for the improvement of roads in the Territories, amounting to about	150,000
A bill had come from the House to the Senate to provide for constructing a frontier road along the western frontier of the United States, and appropriating for that object	100,000
Two bills which usually met the favorable action of Congress at every session, and more especially at the long session, the one for the improvement of harbors and rivers, and the other for the erection of lighthouses, lightboats, beacons, buoys, &c., are before the House, proposing to appropriate for these objects	1,500,000
Provision has been made annually, and it is presumed will be made this year, for the compensation of custom-house officers, which calls for an expenditure of about	200,000
A bill is now before the House to provide for the increased expenditures at the mints, and proposes to appropriate	50,000
Further appropriations must be made for the Seminole and Creek wars, and the least sum estimated to be necessary is	3,000,000
The estimated amount of appropriations by private and local bills not enumerated above, and beyond the $100,000 included in the first statement, is	1,450,000

This presents an aggregate of appropriations to be made, all of which are supposed

to be to some extent necessary, and even indispensable to the public interests, equal to - - - - - - 17,500,000

Take from this amount the above balance in the Treasury, after deducting the outstanding appropriations, to wit, - - 4,379,772

And there will remain, to be charged upon the moneys to be received into the Treasury after the 6th day of June instant, the sum of - - - - - $13,120,228

There was another class of appropriations of a public character, which he thought ought to pass, and he hoped might pass before the adjournment of Congress. One of these measures was the filling up of the ranks of the army, and which, if successful, he supposed would incur an annual expenditure of at least - - $1,000,000

Several bills were before Congress for the erection of new custom-houses, some of which, and especially one at New Orleans, and at one or two other points, he hoped would pass, and they would appropriate about - - - - - 300,000

Bills were before Congress, and surely ought to pass, for rebuilding the Treasury buildings, and there was asked for that object, for the present year, - - - - 250,000

A bill was also now before the Senate recommending the erection of a fire-proof building for the Patent Office, and proposing to appropriate for that object something more than - - - - - - - 100,000

Several bills were before the two Houses of Congress, to provide for the erection of new marine hospitals, and he supposed some of them would meet our favorable action. He had estimated that the appropriations for these objects would be 50,000

Bills were before Congress to remit the duties upon goods destroyed by fire in the original packages, many of which he thought ought to pass, and would appropriate, if they did pass, at the least, - 1,100,000

A bill is now before Congress proposing to advance the unpaid indemnities under the treaties with France and Naples. This bill would be eminently calculated, to its extent, to relieve the present mercantile pressure, and ought to pass. It would appropriate about - - - - - 4,000,000

A bill has passed the Senate, and been sent to the House, to purchase the remaining stock held by private stockholders in the Louisville and Portland Canal Company, and appropriating for that object - 750,000

Here, then, is a further amount, unprovided for, except by future receipts into the Treasury, of - - - - - 7,550,000

Add to this the balance unprovided for except by future receipts into the Treasury, as shown by the result of the last preceding calculation, - - - - 13,120,228

And we have an amount of existing and probable appropriations, beyond any means now in the Treasury, equal to - - $20,670,228

Mr. W. said he did not say that these appropriations would all be made. He did not believe they would all be made; but he had intended to select, with care and caution, such only as were presented to Congress with strong claims; of many of them he could say with claims which seemed to him almost, if not altogether, irresistible. He would then ask gentlemen who disputed his conclusions to point out the important bills he had enumerated, which would not and ought not to pass. He had given particular reference to the measures, and he hoped they would put their finger upon those which they would oppose.

Mr. CALHOUN said the Senator had made use of the best of all possible arguments for preserving the surplus. No Senator had estimated the whole surplus at the end of the year, including the $7,000,000 in the United States Bank, and exclusive of the year's expenditures, at less than $66,000,000. The Senator from New York had earnestly endeavored to prove that the expenditures of this year of this administration would amount to this $66,000,000. Mr. C. made a solemn appeal to Senators, whether they were prepared to rise so soon from an annual Government expenditure of $12,000,000, then deemed prodigal, to the enormous sum of $66,000,000, and that in a time of profound peace. There could possibly be no stronger argument in favor of taking care of the surplus. Mr. C. made a comparison between the State stock and State deposite projects, and drew the obvious deductions in favor of the latter, expressing his satisfaction at the great unanimity of the Senate on the subject, and his belief that but for the opposition from the Senator from New York the vote would have been unanimous.

Mr. WALKER followed Mr. CALHOUN.

Mr. BUCHANAN said he had risen for the purpose of stating, as briefly as he could, some of the reasons which had induced him to vote for the engrossment of this bill, and which should govern his vote upon its final passage. He wished to place them distinctly before his constituents, so that they might decide upon the propriety of his conduct. He should have given a silent vote upon the question; but the unexpected debate which had arisen to-day upon the final passage of the bill rendered some explanation, upon his part, necessary.

What, sir, said Mr. B., is the true nature of this question, in the form in which it now presents itself to the Senate? To state it correctly is at once to answer all the arguments which have been urged against the bill. If we were to infer what the question was from the remarks of my friend from Mississippi, [Mr. WALKER,] we might be induced to believe that this bill proposes a donation, not only of the present, but of every future surplus in the Treasury, to the several States: to use his own language, that we are now about dividing the spoils among the people. Can any thing be more remote from a correct statement of the case? This bill provides merely for a deposite of the public money with the States; not for a donation of it to them. In its terms and in its spirit, it proposes nothing more than to make the State treasuries the depositories of a portion of the public money, instead of the deposite banks. If the States should derive incidental advantages from the use of this money, without interest, the deposite banks have heretofore used it, and, under the provisions of this bill, will continue to use it, upon the very same terms, to the extent of one fourth of their capitals. Surely no Senator upon this floor can complain of the benefits which may be conferred upon the States by the adoption of this measure.

In discussing this subject I shall imitate the example of my friend from New York, [Mr. WRIGHT,] and present to the Senate a concise history of the progress of that portion of the bill which relates to the deposite of the public money with the States. Its features have been very much changed, and, in my opinion, it has been greatly improved, since the Senator from South Carolina [Mr. CALHOUN] presented his original proposi-

tion. That gentleman had proposed to deposite the annual accruing surplus in the Treasury, until the year 1842, with the several States, without making any provision that they should issue certificates for these deposites, to be placed in the hands of the Secretary of the Treasury. Before this money or any portion of it could be recalled, his amendment required that a special act of Congress should be passed for that purpose; and that six months notice must be given to the States prior to the payment of any instalment. This would have been, in effect, a system to distribute the surplus revenue in the Treasury among the States for a period of six years. I need not again state my objections to this proposition, having urged them at some length upon a former occasion, before the appointment of the select committee. It is sufficient now to say, that to my own mind they were conclusive.

Next came the proposition of the Senator from Massachusetts, [Mr. WEBSTER.] In one important particular it had removed the objections to which that of the Senator from South Carolina was exposed. It proposed but a single operation, and was confined to the money which might be in the Treasury at the end of the present year. Under it, however, the States were not required to issue certificates of deposite, nor could the money deposited with them be applied by the Secretary of the Treasury to the payment of our current appropriations, without a previous act of Congress for that purpose. In these particulars it was essentially the same with the proposition of the Senator from South Carolina. Those features were still wanting which could alone fairly give to the transaction the character of a deposite. The sums thus deposited could not have been used as ready money, always at hand, whenever they might be required by the wants of the Treasury. Without some provision to remove this objection, I could not have voted even for the proposition of the Senator from Massachusetts, although in one respect it received my cordial approbation. The overflowing condition of the Treasury presents an extraordinary spectacle, not only in our own history, but in that of all other countries. The present bill is the medicine, and ought not to be converted into the daily bread, of the constitution. It ought to be confined, as the amendment of the Senator from Massachusetts had proposed, to the existing evil, and ought not to extend to future years. It was one of those cases in which futurity ought to be left to provide for itself.

In this state of the question the whole subject was referred to the select committee. They had advanced one step further towards making the bill purely one of deposite. After deciding against the system of continuing to deposite the surplus with the States until the year 1842, and in favor of restricting it to the money in the Treasury at the conclusion of the present year, they reported to the Senate a provision requiring the States which might receive the money to issue certificates of deposite, to be placed in the hands of the Secretary of the Treasury. A previous act of Congress, however, still remained necessary before these certificates could be used.

As a member of the select committee, I endeavored to obviate this objection. Before that committee I made an unsuccessful motion of a character similar to that which has been since adopted by the Senate, on the motion of my friend from New York, [Mr. TALLMADGE.] A necessity no longer exists for a special act of Congress, before these certificates of deposite can be used by the Secretary of the Treasury for the purpose of discharging the appropriations made by Congress.

What, then, (said Mr. B.,) is the true nature of the measure now before the Senate? It is a deposite with the States in form, and a deposite in effect. It is no distribution—no gift of the public money. The bill requires the States receiving the money to deliver to the Secretary of the Treasury certificates of deposite for such amounts, and in such form as he may prescribe, payable to the United States or their assigns; and, without any direction from Congress, he is authorized to sell and assign these certificates, ratably, in proportion to the sums received, and thus convert them into money whenever it shall become necessary for the payment of any of the appropriations made by Congress. These certificates, which, after their assignment, will bear an interest of five per cent. per annum, are to all intents and purposes so much money in the Treasury. They are as good; nay, they are far better, because they are much more secure, than the best bank notes in the country. Within the period of a single day, they will always command gold and silver, if that be required, in any of our large commercial cities. Do not assignable certificates of deposite in solvent banks circulate from hand to hand as money throughout the commercial world? And when the faith of the sovereign States of this Union is solemnly pledged upon their very face for the redemption of these certificates, are we still to be told that this is a mere donation of the public money to these States? Under this bill Congress may still proceed to make appropriations precisely as they would have done had it never passed, with a perfect assurance that they will be satisfied as promptly and as certainly as though the whole surplus should remain where it now is, with the deposite banks.

How any constitutional objection can arise to this disposition of the public money, I am utterly at a loss to conceive. In order to maintain such an objection, gentlemen must establish the position that Congress do not possess the power of depositing the public money where they think proper. This would, indeed, be a Herculean task.

There is one view of this subject which ought not to escape attention. It is always embarrassing, and may become dangerous, to establish the relation of debtor and creditor, for large amounts, between the States and the United States. The present bill avoids this difficulty. The moment it becomes necessary to use these certificates of deposite, that moment they pass by assignment into the hands of individuals, who thus become the creditors of the several States, instead of the General Government. Such individuals will hold these certificates as they would hold any other certificates of a similar character issued by the States, and the General Government will cease any longer to have any connexion with those States in the character of a creditor.

I admit, (said Mr. B.,) some danger exists that this bill, restricted as it is to the money which will be in the Treasury at the end of the present year, may be drawn into precedent for the purpose of sanctioning annual deposites, and, afterwards, annual distributions of the surplus revenue. Such a system would be hostile to the correct and efficient administration of this Government. It would naturally create some bias in our mind against appropriations for the benefit of the Union, in order that the dividends of our own State might thereby be increased. This danger, however, is but future and contingent. It is an evil within our own control. We may, I hope, safely trust ourselves; still I consider the bill, amended as it has been, but a choice of evils. It is far from being the mode of disposing of the surplus which I should have selected. But let that pass.

What are the evils, on the other hand, which we shall avoid by the adoption of this measure? If they are greater and much more alarming than the dangers which we should encounter from its passage, it is the part of wisdom to pass the bill. It is perfectly clear either that we must adopt this measure, or leave all the public money in the deposite banks. There is no other alternative. The one thing or the other must be done.

There are, at present, thirty-six of these deposite banks; and the aggregate amount of public money in their possession, at the date of the last returns, was between thirty-three and thirty-four millions of dollars. This sum has since been daily increasing with the daily flow of money into the Treasury. I am free to say that, in my opinion, the public money is safe in their possession; yet the fact neither can be disguised, nor ought to be disguised, that the Senate has felt itself under the necessity, but against my vote, of striking out every provision from the bill which required them to keep any fixed proportion of specie in their vaults. We could have established no reasonable standard upon this subject which would not have deprived a number of these banks of the public deposites. Hence the amount of specie to be kept in each of them is now left altogether to the discretion of the Secretary of the Treasury. However safe the public money may be in these banks, it will be equally secure, to say the least, in the treasuries of the several States. In the opinion of the people it will be more secure there; and this, of itself, is a matter of great importance in deciding the present question.

These deposite banks are located chiefly upon our commercial and upon our western frontiers. This arises from the circumstance, that the receipts into the Treasury are derived from two grand sources—the customs and the sales of public lands. Vast sums of public money are thus accumulated in the banks of our commercial cities. Who are chiefly benefited by this accumulation? Why, sir, the stockholders in these banks and their customers. It is a notorious fact that the banks discount largely upon these deposites. It is both their duty and their interest to pursue this course. Their profits, and the dividends to their stockholders, are thus greatly increased. But what benefits do my constituents in the interior of Pennsylvania derive from the use thus made of their own money? None, none whatever. Change these depositories to the extent proposed by this bill, and what will then be the consequences? The diffusion of numerous benefits and blessings among the people of the several States. This money, now used by the banks for the benefit of their stockholders, will be applied by the State Legislatures to promote education and internal improvements. It will shed a benign influence over the face of society, and will confer blessings upon the whole people. Its benefits will no longer be confined to the corporators in these selected institutions, but will be as extended as the limits of the republic. Besides, this money will always be ready for the use of the Government, whenever the necessities of the country may require it. The mass of the people are now deeply impressed with a conviction of these truths. They are jealous of the deposite banks. They believe that undue advantages are conferred upon these institutions by the action of the Government. The public mind is excited upon the subject; and the only practicable, I shall not say the best, mode of calming and tranquillizing it, will be the passage of the present bill.

On this branch of the question I shall make another remark. If I were capable of acting merely as a party man upon such a subject, which I trust I am not, I should say to my political friends, adopt this measure. It has been repeated over and over again, that the present administration desire to retain this money in the deposite banks in order to use it for political effect. This charge, it is true, is perfectly ridiculous. It is well known that all or nearly all these banks are governed and controlled by our political enemies. So far as I have ever been informed, a large majority of their stockholders and directors are opposed to the present administration. I have heard of but one of these banks which is an exception, though there may be more. Still the clamor continues, and still the charge is made that we desire to keep all the public money in these banks for the purpose of acquiring political influence. A deposite of this money with the States will at once put an end to these unfounded suspicions.

I might speak of the wild and extravagant speculations, especially in public lands and in stocks, which have been greatly encouraged and promoted by the immense sums of public money on deposite in the banks, and of the injuries which have thus been inflicted upon the country. But I forbear at present from doing more than barely to suggest this argument in favor of the passage of the bill. It must strike every mind.

But it has been urged, as a serious objection to this measure, that the money never will be required from the States for the use of this Government. Does it not occur to gentlemen that upon the very same principle, if this bill should not become a law, it will never be required from the deposite banks? And if, from the redundance of our revenue, we must have a perpetual deposite, is it not more just and more politic, in every point of view, that this deposite should be made where it will benefit the people of all the States, than where its advantages will be confined to the stockholders of certain selected banks?

It is not certain, however, that a portion of these deposites may not be demanded from the States before the close of the next year. I have been astonished at the statement made by my friend from New York, [Mr. WRIGHT,] of the sums already appropriated, and which will yet probably be appropriated during the present session of Congress. If this statement be correct, it is highly probable that the unexpended balance of these appropriations, at the end of the present year, may equal, if it does not exceed, the highest estimate of the Senator from Ohio, [Mr. EWING,] and amount to eighteen millions of dollars. In that event, this sum will be a charge upon the current revenue for the year 1837, in addition to the current expenses of that year. It is, therefore, far from being certain that a portion of the deposites made with the States may not be required by the Treasury before the first day of January, 1838. This will depend upon the amount of the sales of the public lands during the year 1837. Should any cause arise greatly to reduce this source of income, the money then in the Treasury will not be sufficient to pay the current expenses of the Government during that year.

In any thing I may have said, I did not intend to cast the slightest reflection upon the conduct of the deposite banks towards the Government. Far from it. The experiment, as it is called, has not failed. These banks have made all the necessary transfers of public money, and have conducted the business of the Treasury as well as it has ever been conducted by the Bank of the United States. For this they deserve the thanks of the country. I wish to make them a fair and liberal compensation for their services. I strongly advocated the provision which now constitutes a part of the bill, that the sum of five millions of dollars should be deducted from the amount in the Treasury on the 1st day of January next, and that only what remained should be deposited with the States. These five millions will, of course, continue in the deposite banks. Besides, the amount to be deposited with the States will be drawn from the present depositories in equal quarterly instalments; and thus they will experience no sudden shock in their business. They will have ample time to make all necessary preparations to meet these payments.

Before I conclude, I shall advert to another argument of my friend from New York, [Mr. WRIGHT.] That gentleman objects to this bill, because the money to be deposited with the States is not in proportion to the federal population of each, according to the last census, but in proportion to the compound ratio of the number

of their Senators and Representatives in Congress. He asks, why should we adopt a different rule from that of direct taxation, in our distribution of these deposites? The answer is very easy. This money was not raised by direct taxation. If it had been, it should, undoubtedly, be returned to the States in the same proportions it had been received from them. The two grand sources from which we have derived this money, are the duties upon imports, and the sales of the public lands.

If we could accurately ascertain the federal population of the different States at this moment, it would present the just standard of apportionment. But that is impossible. The Senator from Kentucky, [Mr. CLAY,] upon the discussion of the land bill, had proved, conclusively, that the new States in the West have increased in population with such rapidity, since the census of 1830, when compared with the other States, that it would be manifestly unjust to apply that standard to them. Hence his bill provided that they should each receive ten per cent. of the nett proceeds of the sales of the public lands within their limits, before any distribution should be made of the remainder. It ought not to be forgotten in this argument that a very large proportion of the surplus in the Treasury has proceeded from the sales of public lands within these very States. The truth is that, whether you adopt the census of 1830, or the number of Senators and Representatives in Congress, as a standard of apportionment, you cannot do exact justice. You must either be unjust to the new States in the West, or you must deposite a little more with Delaware, Rhode Island, and some of the smaller old States, than they are entitled to receive. It is a choice of difficulties arising from the necessity of adopting a general rule on the subject. I do not believe, therefore, that the mode of apportionment proposed by the bill presents a sufficient objection against its passage. This view of the case is rendered more impressive by the consideration that the bill proposes a mere deposite with the States, and not a donation to them; and it cannot make any material difference whether one State shall receive a few thousand dollars too much or too little upon deposite.

Mr. WEBSTER expressed his regret at the provision introduced into the bill for apportioning the State deposites to the presidential electors, as likely to produce opposition to the bill. He renounced entirely the principle of taxing for distribution, and represented the case of the present surplus as a now unavoidable emergency. He said the bill would be inoperative if there should be no surplus, and could, in that case, do neither harm nor good; though, if there could be occasion for Mr. WRIGHT's State stock project, there was the same occasion for this bill. He made an estimate, in detail, of the expenditures of the year, which went to show that Mr. WRIGHT's estimate had been at least doubly too large. He expressed his congratulations to the country at the success which had attended this measure in the Senate, and his belief that it would substantially relieve the pressure upon the community.

Mr. BENTON rose and said that, about this time two years ago, the Senate was engaged in proclaiming the danger of a bankrupt Treasury, and in proving to the people that utter ruin must ensue from the removal of the deposites from the Bank of the United States. The same Senate, nothing abated in confidence from the failure of former predictions, is now engaged in celebrating the prosperity of the country, and proclaiming a surplus of forty, and fifty, and sixty millions of dollars in that same Treasury, which so short a time since they thought was going to be bankrupt. Both occupations are equally unfortunate. Our Treasury is in no more danger of bursting from distension now, than it was of collapsing from depletion then. The ghost of the panic was driven from this chamber in May, 1834, by the report of Mr. Taney, showing that all the sources of the national revenue were in their usual rich and bountiful condition, and that there was no danger of bankruptcy. The speech and statement, so brief and perspicuous, just delivered by the Senator from New York, [Mr. WRIGHT,] will perform the same office upon the distribution spirit, by showing that the appropriations of the session will require nearly as much money as the public Treasury will be found to contain. The present exaggerations about the surplus will have their day, as the panic about an empty Treasury had its day; and time, which corrects all things, will show the enormity of these errors which excite the public mind, and stimulate the public appetite, for a division of forty, fifty, and sixty millions of surplus treasure.

I have several objections, said Mr. B., to this measure; and the first is, that two distinct subjects are conjoined in the same bill. One part of the bill is to regulate the keeping of the public money in the local banks; the other part, under the disguise of a deposite, is to make a distribution of the public money among the several States. The law of Parliament (and that law is founded in equity and wisdom) forbids the junction of different subjects in the same bill; it requires them to be disjoined, and each subject put into a bill by itself, whenever the diversity and incongruity is detected. The incongruity in this bill is easily detected, and was early objected to. It was objected to on the second reading, a vote taken, and a decision had, according to what was right and proper. That vote was in favor of disjunction. The two subjects were disjoined, and a committee was directed to put them into separate bills. This was in the afternoon, too late for the accomplishment of the order that evening; a night intervened; new lights broke upon the minds of Senators; the vote of disjunction was reversed; and the divorced subjects were solemnly reunited. What was done by a majority of three in the evening, was reversed by a majority of one in the morning.

That these subjects are of different natures, admit of different decisions, and may be acted upon at different times, is perfectly clear from a view of their provisions. One is a general and permanent law—the other a special and temporary arrangement. One requires immediate action—the other ought not to be acted upon until all the appropriations are made. One is to take effect instanter—the other not till next year. One is what it professes to be, a regulation of the deposites—the other is what it does not profess to be, a distribution of the revenue. Either may pass, and have a perfect operation, without the aid of the other. Either may be rejected, and no detriment ensue to the other. One may be postponed to the next session without inconvenience to any interest, and with positive advantage to the action of Congress upon it—the other cannot be postponed without offence to the public mind, injury to the public service, and dereliction of our legislative duty. Against the conjunction of subjects so dissimilar conscience revolts, correct feeling rebels, and parliamentary law has planted its cannon. It is in vain to call it a deposite with the States. The abuse, perversion, misapplication, and violation of language, in calling that which is a distribution to the States a deposite with the States, can neither alter the thing nor conceal its design; and the attempt to coerce support, deter opposition, or involve in odium, by joining a measure of questionable propriety with one of acknowledged expediency, might be lost upon some, if not on all.

I have some objections to the deposite bill proper, as it now stands; but they are objections of detail, and such as would admit of remedy, and might have been easily

obviated, had it not been for the impatience of the majority to pass the bill as it is. One of these objections is to the clause which confers authority on the Secretary of the Treasury to establish branches of the State banks, under the name of agencies, in the States which have no banks; that is to say, in the State of Missouri; it being well known to every body that Missouri is the only State in the Union which finds itself in the category which the conferring of the authority implies. To the investiture of this authority in any officer, or the exercise of such authority by any Congress, I wholly object; and that for numerous and cogent reasons. Congress has no authority to establish banks within the States; much less to intrude upon a State the branch of a bank from another State. It is an interference with the domestic policy of a State to do so, and compelling her to have a bank against her will. It is a deprivation to the State of one of her sovereign powers; for, by virtue of her right to regulate her internal affairs, she can exclude all moneyed and banking agencies from her borders, by her own legislation, as many States have done; but in this case her legislation would not be sovereign, like that of other States upon the same point, but would be subordinate to the decision of the federal Judiciary; for, the agency being established under a law of Congress, it would bring the action of the State law, and the decision of the State courts, under the controlling sceptre of the federal judges. It is an apparent surrender of the constitutional objection to a Bank of the United States; for if it is admitted that State banks are indispensably necessary to the Federal Government, then it follows that the Federal Government may provide for its own necessities, without being dependant on the States. The Secretary is not limited in the choice of the banks whose agencies he may establish in Missouri; and some Secretary, not the present one, might refresh whigism in the State by sending us a limb from the Pennsylvania United States Bank, or a scion from some one of the litter, founded on paper and property, now in the process of renewed incorporation in this opulent and bank-bearing District.

The consent of the State is not required to the admission of this agency, although at the very last session of her Legislature, as at preceding sessions, she refused to charter a bank for herself. Finally, this provision goes to legalize the establishment of an agency of an Ohio bank in the town of St. Louis, now in operation there as a bank of discount and deposite and of circulation; when the utmost argument in favor of the federal necessities would not extend beyond a bank of deposite only. That agency was established in St. Louis without my knowledge or consent, and without the consent of the State Legislature. The right of the Legislature to expel it would be complete if this law was not passed: if it passes, then the statute of the State will be liable to the same revision and reversal which took place on the Virginia statute in the case of Cohen and the lottery tickets. Having mentioned the agency at St. Louis, I deem it right to add that the officers who have charge of it have shown every disposition to deserve the good will of the inhabitants, and to promote the policy of the Government in the diffusion of gold.

The other part of the deposite bill proper to which I object, is the want of a clause requiring the deposite banks to keep on hand a certain amount of specie, bearing some reasonable, average, fixed proportion to their immediate liabilities. The bill was drawn with such a clause; but it was the will of the majority to strike it out, and to substitute the discretion of the Secretary of the Treasury for the time being for the proposed legal enactment. The proportion of specie on hand, in the several deposite banks, is now to be whatever may be satisfactory to the officer at the head of the Treasury. To this I object; because, without reference to the opinions of any Secretary, I hold it to be a case in which the inflexible rule of law, and not the variable dictate of individual discretion, should prevail. It concerns the currency of the country, and law should govern the currency. It is a case in which discretion is subordinate to systems, as well as to personal temperament. A hard-money Secretary would require a heavy proportion of specie; a paper-system Secretary would be content with a very light proportion. Besides, some of the deposite banks need regulation upon this point at present. Some of them are far in arrear of what would be deemed a safe proportion of specie, and threatening the Treasury with another edition of "unavailable funds." As a whole, they are far behind the point of specie responsibility at which the Bank of the United States stood at the time of the removal of the deposites, though some are up to that mark, or above it; but, as a whole, (and it is in that point of view that the public is concerned,) they are far behind it. On the first day of October, 1833, when the deposites were removed, the immediate liabilities of the United States Bank, in public and private deposites, and in its circulation, were $37,105,465, and the specie on hand was $10,663,441; being at the rate of more than one to four.

At the close of the last month, which is the date of the latest returns of the deposite banks, their immediate liabilities in the same items—public and private deposites, and circulation—was $84,401,880, and the gold and silver on hand was $10,202,245; being at the rate of less than one to eight. This, certainly, is a progress in the wrong direction for us, who have undertaken to strengthen the gold and silver foundations of the currency. It is travelling on the wrong end of the road, and that rather fast. The rejection from the bill of the clause which was intended to hold the deposite banks up to the possession of a certain fixed proportion of specie, looks like an abandonment of our hard-money professions, and a relapsing tendency into the wide and bottomless ocean of paper. It is certainly a great decline from the doctrines of President Jackson's message of December last—those doctrines which were then hailed with approbation by an immense majority of the American people, and received as landmarks in the whole democratic camp, and in which the President expressly treated the regulation of the deposites as the regulation of the currency, and looked to the increased circulation of gold and silver, and the suppression of all bank notes under twenty dollars, as two of the great results which were to flow from the connexion of the federal Treasury with the local banks, and the consequent influence of the Government over the currency. Hear his words:

"Connected with the condition of the finances, and the flourishing state of the country in all its branches of industry, it is pleasing to witness the advantages which have already been derived from the recent laws regulating the value of the gold coinage. These advantages will be more apparent in the course of the next year when the branch mints authorized to be established in North Carolina, Georgia, and Louisiana, shall have gone into operation. Aided, as it is hoped they will be, by further reforms in the banking systems of the States, and by judicious regulations on the part of Congress, in relation to the custody of the public moneys, it may be confidently anticipated that the use of gold and silver as a circulating medium will become general in the ordinary transactions connected with the labor of the country. The great desideratum in modern times is an efficient check upon the power of banks, preventing that excessive issue of paper whence arise those fluctuations in the standard of value which render uncertain the rewards of labor." * * * * "It has been seen that, without the agency of a great moneyed monopoly, the revenue

can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the Legislatures of several of the States have already commenced in regard to the suppression of small bills, and which has only to be fostered by proper regulations on the part of Congress to secure a practical return, to the extent required for the security of the currency, to the constitutional medium." * * * *

"The collection and custody being a source of credit to them, will increase the security which the States provide for a faithful execution of their trusts, by multiplying the scrutinies to which their operations and accounts will be subjected. Thus disposed, as well from interest as the obligation of their charters, it cannot be doubted that such conditions as Congress may see fit to adopt respecting the deposites in these institutions, with a view to the gradual disuse of the small bills, will be cheerfully complied with; and that we shall soon gain, in place of the Bank of the United States, a practical reform of the whole paper system of the country. If, by this policy, we can ultimately witness the suppression of all bank bills below twenty dollars, it is apparent that gold and silver will take their place, and become the principal circulating medium in the common business of the country. The attainment of such a result will form an era in the history of our country, which will be dwelt upon with delight by every true friend of its liberty and independence. It will lighten the great tax which our paper system has so long collected from the earnings of labor, and do more to revive and perpetuate those habits of economy and simplicity which are so congenial to the character of republicans, than all the legislation which has yet been attempted."

The rejection of the clause referred to, continued Mr. B., has lost the advantages so confidently looked to by the President in this wise and patriotic message. Nothing is done in this deposite bill to fulfil his enlightened and noble views; nothing to enlarge and extend the specie basis; nothing to promote the diffusion of gold; nothing to effect the suppression of notes under twenty dollars; nothing to check the paper system; nothing to regulate the currency; on the contrary, we have a virtual abandonment of all control over the moneyed system, and a virtual surrender of the constitution, and the constitutional duty of Congress over the currency, to the discretion of the Secretary of the Treasury and the private and interested arrangements of the deposite banks.

I now come, Mr. President, (continued Mr. B.,) to the second subject in the bill—the distribution feature—and to which the objections are, not of detail, but of principle; but which objections are so strong in the mind of myself and some friends, that, far from shrinking from the contest, and sneaking away in our little minority of six, where we were left last evening, we come forward with unabated resolution to renew our opposition, and to signalize our dissent, and anxious to have it known that we contended to the last against the seductions of a measure, specious to the view, and tempting to the taste, but fraught with mischief and fearful consequences to the character of this Government, and to the stability and harmony of this confederacy. These objections lie to the 13th section of the bill, which are in these words:

"SEC. 13. *And be it further enacted*, That the money which shall be in the Treasury of the United States, on the 1st day of January, eighteen hundred and thirty-seven, reserving the sum of five millions of dollars, shall be deposited with the several States, in proportion to their respective representation in the Senate and House of Representatives of the Congress of the United States; and the Secretary of the Treasury shall deliver the same to such persons as the several States may authorize to receive it, on receiving certificates of deposite, signed by the competent authorities of such State, each for such amount and in such form as the Secretary of the Treasury may prescribe, which shall set forth and express the obligation of the State to pay the amount thereof to the United States, or their assigns; and which said certificates it shall be competent for the Secretary of the Treasury, in the name and behalf of the United States, to sell and assign whenever it shall be necessary for want of other money in the Treasury to meet appropriations made by Congress; all sales and assignments, however, to be ratable, and in just and equal proportions, among all the States, according to the amounts received by them, respectively; and all such certificates of deposite shall be subject to and shall bear an interest of five per cent. per annum, payable half yearly, from the time of such sale and assignment, and shall be redeemable at the pleasure of the States issuing the same."

Stripping this enactment of statutory verbiage, and collecting the provisions of the section into a single view, and they seem to be these: 1. The public moneys, above a specified sum, are to be deposited with the States in a specified ratio; 2. The States are to give certificates of deposite, payable to the United States; but no time, or contingency, is fixed for the payment; 3. The Secretary of the Treasury is to sell and assign the certificates, limited to a ratable proportion of each, when necessary to meet appropriations made by Congress; 4. The certificates so assigned are to bear an interest of 5 per cent., payable half yearly; 5. To bear no interest before assignment; 6. The principal to be payable at the pleasure of the State.

This, Mr. President, is the enactment; and what is such an enactment? Sir, I will tell you what it is. It is, in name, a deposite; in form, a loan; in essence and design, a distribution. Names cannot alter things; and it is as idle to call a gift a deposite, as it would be to call a stab of the dagger a kiss of the lips. It is a distribution of the revenues, under the name of a deposite, and under the form of a loan. It is known to be so, and is intended to be so; and all this verbiage about a deposite is nothing but the device and contrivance of those who have been for years endeavoring to distribute the revenues, sometimes by the land bill, sometimes by direct propositions, and sometimes by proposed amendments to the constitution. Finding all these modes of accomplishing the object met and frustrated by the constitution, they fall upon this invention of a deposite, and exult in the success of an old scheme under a new name. That it is no deposite, but a free gift, and a regular distribution, is clear and demonstrable, not only from the avowed principles, declared intentions, and systematic purposes, of those who conduct the bill, but also from the means devised to effect their object. Names are nothing. The thing done gives character to the transaction; and the imposition of an erroneous name cannot change that character. This is no deposite. It has no feature, no attribute, no characteristic, no quality, of a deposite. A deposite is a trust, requiring the consent of two parties, leaving to one the rights of ownership, and imposing on the other the duties of trustee. The depositor retains the right of property, and reserves the privilege of resumption; the depositary is bound to restore. But here right of property is parted with; the privilege of resumption is surrendered; the obligation to render back is not imposed. On the contrary, our money is put where we cannot reach it. Our Treasury warrant cannot pursue it. The States are to keep the money, free of interest, until it is needed to meet appro-

priations; and then the Secretary of the Treasury is—to do what? call upon the State? No! but to sell and assign the certificate; and the State is to pay the assignee an interest half yearly, and the principal when it pleases. Now, these appropriations will never be made. The members of Congress are not yet born—the race of representatives is not yet known—who will vote appropriations for national objects, to be paid out of their own State treasuries. Sooner will the tariff be revived, or the price of public land be raised. Sooner will the assignability of the certificate be repealed by law. The contingency will never arrive on which the Secretary is to assign; so the deposite will stand as a loan forever, without interest. At the end of some years the nominal transaction will be rescinded; the certificates will all be cancelled by one general, unanimous, harmonious, vote in Congress. The disguise of a deposite, like the mask after a play, will be thrown aside; and the delivery of the money will turn out to be, what it is now intended to be, a gift from the beginning. This will be the end of the first chapter. And now, how unbecoming in the Senate to practise this indirection, and to do by a false name what cannot be done by its true one. The constitution, by the acknowledgment of many who conduct this bill, will not admit of a distribution of the revenues. Not further back than the last session, and again at the commencement of the present session, a proposition was made to amend the constitution to permit this identical distribution to be made. That proposition is now upon our calendar, for the action of Congress. All at once it is discovered that a change of names will do as well as a change of the constitution. Strike out the word "distribute," and insert the word "deposite;" and, incontinently, the impediment is removed; the constitutional difficulty is surmounted; the division of the money can be made. This, at least, is quick work. It looks magical, though not the exploit of the magician. It commits nobody, though not the invention of the non-committal school. After all, it must be admitted to be a very compendious mode of amending the constitution, and such a one as the framers of that instrument never happened to think of. Is this fancy, or is it fact? Are we legislating, or amusing ourselves with phantasmagoria? Can we forget that we now have upon the calendar a proposition to amend the constitution, to effect this very distribution, and that the only difference between that resolution and this 13th section, is in substituting the word "deposite" for the word "distribute?" Here it is:

RESOLUTION proposing an amendment to the constitution of the United States, providing for a distribution of the surplus revenues among the several States and Territories, until the year eighteen hundred and forty-three.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, That the following amendment to the constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by three fourths of said Legislatures, shall be valid, to all intents and purposes, as part of the constitution, that the money remaining in the Treasury at the end of each year till the first of January, eighteen hundred and forty-three, after deducting therefrom the sum of —— dollars, shall be annually distributed among the several States and Territories, including the District of Columbia; and that, for this purpose, the sum to be annually distributed shall be divided into a number of shares, equal to the number of Senators and Representatives in Congress for the time being, with the addition of two for each Territory, and two for the District of Columbia; and there shall be allotted to each State a number of shares equal to the number of Senators and Representatives to which it is at the time entitled in Congress; and to the Territories, including the District of Columbia, two shares each.*

Having shown this pretended deposite to be a distribution in disguise, and to be a mere evasion of the constitution, Mr. B. proceeded to examine its effects, and to trace its ruinous consequences upon the Federal Government and the States. It is brought forward as a temporary measure, as a single operation, as a thing to be done but once; but what career, either for good or for evil, ever stopped with the first step? It is the first step which costs the difficulty; that taken, the second becomes easy, and repetition habitual. Let this distribution, in this disguise, take effect, and future distributions will be common and regular. Every presidential election will bring them, and larger, each time, as the consular elections in Rome, commencing with distributions of grain from the public granaries, went on to the exhibitions of games and shows, the remission of debts, largesses in money, lands, and provisions, until the rival candidates openly bid against each other, and the diadem of empire was put up at auction, and knocked down to the last and highest bidder. The purity of elections may not yet be affected in our young and vigorous country; but how long will it be before voters will look to the candidates for the magnitude of their distributions, instead of looking to them for the qualifications which the presidential office requires?

The bad consequences of this distribution of money to the States are palpable and frightful. It is complicating the federal and State systems, and multiplying their points of contact and hazards of collision. Take it as ostensibly presented, that of a deposite, or loan, to be repaid at some future time; then it is establishing the relation of debtor and creditor between them; a relation critical between friends, embarrassing between a State and its citizens, and eminently dangerous between confederate States and their common head. It is a relation always deprecated in our federal system. The land credit system was abolished by Congress fifteen years ago, to get rid of the relation of debtor and creditor between the Federal Government and the citizens of the States; and seven or eight millions of debt, principal and interest, was then surrendered. The collection of a large debt from numerous individual debtors, was found to be almost impossible. How much worse if the State itself becomes the debtor! and more, if all the States become indebted together! Any attempt to collect the debt would be attended, first, with ill blood, then with cancellation. It must be the representatives of the States who are to enforce the collection of the debt. This they would not do. They would stand together against the creditor. No member of Congress could vote to tax his State to raise money for the general purposes of the confederacy. No one could vote an appropriation which was to become a charge on his own State treasury. Taxation would first be resorted to, and the tariff and the public lands would become the fountain of supply to the Federal Government. Taken as a real transaction—as a deposite with the States, or a loan to the States—as this measure professes to be, and it is fraught with consequences adverse to the harmony of the federal system, and fraught with new burdens upon the customs and upon the lands; taken as a fiction to avoid the constitution, as a John Doe and Richard Roe invention to convey a gift under the name of a deposite, and to effect a distribution under the disguise of a loan, and it is an artifice which makes derision of the constitution, lets down the Senate from its lofty station, and provides a facile way for doing any thing that any Congress may choose to do in all time to come. It is only to depose one word and

* Submitted by Mr. CALHOUN.—*Note by Mr. B.*

instal another—it is merely to change a name—and the frowning constitution immediately smiles on the late forbidden attempt.

To the Federal Government the consequences of these distributions must be deplorable and destructive. It must be remitted to the helpless condition of the old confederacy, depending for its supplies upon the voluntary contributions of the States. Worse than depending upon the voluntary contributions, it will be left to the gratuitous leavings, to the elemosynary crumbs, which remain upon the table after the feast of the States is over. God grant they may not prove to be the feasts of the Lapithæ and Centaurs! But the States will be served first; and what remains may go to the objects of common defence and national concern for which the confederacy was framed, and for which the power of raising money was confided to Congress. The distribution bills will be passed first, and the appropriation bills afterwards; and every appropriation will be cut down to the lowest point, and kept off to the last moment. To stave off as long as possible, to reduce as low as possible, to defeat whenever possible, will be the tactics of federal legislation; and when at last some object of national expenditure has miraculously run the gauntlet of all these assaults, and escaped the perils of these multiplied dangers, behold the enemy still ahead, and the recapture which awaits the devoted appropriation, in the shape of an unexpended balance, on the first day of January then next ensuing. Thus it is already: distribution has occupied us all the session. A proposition to amend the constitution, to enable us to make the division, was brought in in the first month of the session. The land bill followed, and engrossed months, to the exclusion of national defence. Then came the deposite scheme, which absorbs the remainder of the session. For nearly seven months we have been occupied with distribution, and the Senate has actually passed two bills to effect the same object, and to divide the same identical money. Two bills to divide money, while one bill cannot be got through for the great objects of national defence named in the constitution. We are now near the end of the seventh month of the session. The day named by the Senate for the termination of the session is long passed by; the day fixed by the two Houses is close at hand. The year is half gone, and the season for labor largely lost; yet what is the state of the general, national, and most essential appropriations? Not a shilling is yet voted for fortifications; not a shilling for the ordnance; nothing for filling the empty ranks of the skeleton army; nothing for the new Indian treaties; nothing for the continuation of the Cumberland road; nothing for rebuilding the burnt down Treasury; nothing for the custom-house in New Orleans; nothing for extinguishing the rights of private corporators in the Louisville canal, and making that great thoroughfare free to the commerce of the West; nothing for the western armory, and arsenals in the States which have none; nothing for the extension of the circuit court system to the new States of the West and Southwest; nothing for improving the mint machinery; nothing for keeping the mints regularly supplied with metals for coining; nothing for the new marine hospitals; nothing for the expenses of the visiters now gone to the Military Academy; nothing for the chain of posts and the military road along the western and northwestern frontier. All these, and a long list of other objects, remain without a cent to this day; and those who have kept them off now coolly turn upon us, and say the money cannot be expended if appropriated, and that, on the first of January, it must fall into the surplus fund to be divided. Of the bills passed, many of the most essential character have been delayed for months, to the great injury of individuals and of the public service. Clerks and salaried officers have been borrowing money at usury to support their families, while we, wholly absorbed with dividing surpluses, were withholding from them their stipulated wages. Laborers at Harper's Ferry armory have been without money to go to market for their families, and some have lived three weeks without meat, because we must attend to the distribution bills before we can attend to the pay bills. Disbursing officers have raised money on their own account, to supply the want of appropriations. Even the annual Indian annuity bill has but just got through; the Indians even—the poor Indians, as they were wont to be called—even they have had to wait, in want and misery, for the annual stipends solemnly guarantied by treaties. All this has already taken place under the deplorable influence of the distribution spirit; but this is not all that has taken place. Something more ominous yet has occurred; something which announces a fundamental change in the policy of the Senate, and the approaching abandonment of the great objects for which the confederacy was framed. We all recollect, and the country also will recollect, the two months in the fore part of this session spent in crimination and recrimination for the loss of the fortification bill of the last year. We all recollect, and if we did not, the published speeches would remind us, how emulously we vied with each other in patriotic protestations, in repudiating blame for the loss of that bill, and in favor of national defence. We all remember, and if we did not, the journal will testify for us, how unanimously we adopted a resolution to devote the revenue and the stock from the Bank of the United States, and all that the object required, to the sacred task of preparing, in time of peace, for a state of war; and how we called upon the President to order reports to be made to us from the War and Navy Departments, to apprize us of all that was wanting. This was in February; the answers came in March, and showed us that more would be wanting than all the surpluses would ever supply. Incontinently, upon the view of these reports, the tone of the Senate changed: and these objects of national defence, which had so late received the homage of their applause, and the pledge of their support, became useless, ridiculous, extravagant, visionary projects! They were no longer worth attention, and to attack and decry them has now become the fashion. Not a cent is yet appropriated; and by this new-fangled conception of a distribution bill—this lease, entry, and ouster concern—whatever is appropriated is to be recaptured on the first day of January next. Here is the resolution which we adopted in February, which will show how the question of national defence stood then; the votes and speeches for a month past will show how it stands now:

"*Resolved*, That so much of the revenue of the United States and the dividends of stock receivable from the Bank of the United States, as may be necessary for the purpose, ought to be set apart and applied to the general defence and permanent security of the country.

"*Resolved*, That the President be requested to cause the Senate to be informed—

"1. The probable amount that would be necessary for fortifying the lake, maritime, and gulf frontiers of the United States, and such points of the land frontier as may require permanent fortifications.

"2. The probable amount that would be necessary to construct an adequate number of armories and arsenals in the United States, and to supply the States with field artillery (especially brass field-pieces) for their militia, and with side-arms and pistols for their cavalry.

"3. The probable amount that would be necessary to supply the United States with the ordnance, arms, and munitions of war, which a proper regard to self-defence would require to be always on hand.

"4. The probable amount that would be necessary

to place the naval defences of the United States (including the increase of the navy, navy yards, dock yards, and steam or floating batteries) upon the footing of strength and respectability which is due to the security and to the welfare of the Union."

The progress which the distribution spirit has made in advancing beyond its own pretensions, is a striking feature in the history of the case, and ominous of what may be expected from its future exactions. Originally the proposition was to divide the surplus. It was the surplus, and nothing but the surplus, which was to be taken; that bonafide and inevitable surplus which remained after all the defences were provided for, and all needed appropriations fully made. Now the defences are postponed and decried; the needful appropriations are rejected, stinted, and deferred, till they cannot be used; and, instead of the surplus, it is the integral revenue, it is the money in the Treasury, it is the money appropriated by law, which is to be seized upon and divided out. It is the unexpended balances which are now the object of all desire and the prize of meditated distribution. The word *surplus* is not in the bill! that word, which has figured in so many speeches, which has been the subject of so much speculation, which has been the cause of so much delusion in the public mind, and of so much excited hope; that word is not in the bill! It is carefully, studiously, systematically excluded, and a form of expression is adopted to cover all the money in the Treasury, a small sum excepted, although appropriated by law to the most sacred and necessary objects. A recapture of the appropriated money is intended; and thus the very identical money which we appropriate at this session is to be seized upon on the first day of January, torn away from the objects to which it was dedicated, and absorbed in the fund for general distribution. And why? because the cormorant appetite of distribution grows as it feeds, and becomes more ravenous as it gorges. It set out for the surplus; now it takes the unexpended balances, save five millions; next year it will take all. But it is sufficient to contemplate the thing as it is; it is sufficient to contemplate this bill as seizing upon the unexpended balances on the first day of January, regardless of the objects to which they are appropriated; and to witness its effect upon the laws, the policy, and the existence of the Federal Government.

In the first place, the appropriation laws are nullified, to the extent of one half at least; for we all know that the appropriations of a session, and especially the long session, and above all the present session, when appropriations are systematically staved off to prevent them from being used—we all know that, under these circumstances, about one half the money appropriated by law remains unexpended at the end of the year, and is intended to be used during the ensuing year. We all know that the fiscal year of the United States does not end in December, but in September; we know that the work and the service is to go on, and the money to be paid as it becomes due, without regard to the change of the calendar years. Two years is the limitation for an appropriation to run; and this principle, reasonable in itself, is consecrated by law for forty years. Sir, we have law upon this subject; law founded in reason, adapted to the usages of work and service, made by our ancestors, and now standing in full force upon our statute book. I allude to the law of March 3d, 1795, approved by President Washington; and by which the appropriations which were not exhausted upon their object within two calendar years, after the year in which they are made, should then be considered as a surplus, and be carried to a fund denominated the surplus fund; and thence become applicable to new and national objects. Here are the provisions of the act:

"That in regard to any sum which shall have remained unexpended, upon any appropriation other than for the public debt, &c., or for a purpose in respect to which a longer duration is specially assigned by law, for more than two years after the expiration of the calendar year in which the act of appropriation shall have been passed, such appropriation shall be deemed to have ceased and been determined; and the sum so unexpended shall be carried to an account on the books of the Treasury, to be denominated the surplus fund. But no appropriation shall be deemed to have so ceased and determined until after the year 1795, unless it shall appear to the Secretary of the Treasury that the object thereof hath been fully satisfied, in which case it shall be lawful for him to cause to be carried the unexpended residue thereof to the said account of the surplus fund."

This is the law, made by wise men, founded in reason, justice, and propriety. This is the law by virtue of which the appropriations made at this session would continue for two calendar years after the 1st day of January next; yet this wise and ancient law is to be subverted, overthrown, nullified. Instead of two years from the first of January next, it is at midnight on the 31st of December next that the unexpended balances, without regard to the objects to which they are applicable, are to be seized, sequestered, confiscated, plundered from the Federal Government, and given to the States. The leaving of five millions is nothing; the unexpended balances will be double or treble that amount. The taking any part is asserting the right, and making the precedent for taking the whole. Even these five millions, they are left from policy, and because it is not discreet to go the whole at once. Even on this remnant the friends of distribution divide in opinion on this floor, some saying two millions, [Mr. WEBSTER,] some saying five, [Mr. CALHOUN;] and this last sum is evidently left from policy.

Such, then, is the progress of the distribution spirit; a cormorant appetite, growing as it feeds, ravening as it gorges; seizing the appropriated moneys, and leaving the Federal Government to starve upon crumbs, and to die of inanition. But this appetite is not the sole cause for this seizure. There is another reason for it, connected with the movements in this chamber, and founded in the deep-seated law of self-preservation. For six months the public mind has been stimulated with the story of sixty millions of surplus money in the Treasury; and two months ago, we, the grave Senate of the United States, carried the rash joke of that illusory asseveration so far as to pass a bill to commence the distribution of that vast sum. It was the land bill which was to do it, commencing its swelling dividends on the 1st day of July, dealing them out every ninety days, and completing the splendid distribution of prizes, in the sixty-four million lottery, in eighteen months from the commencement of the drawing. It was two months ago that we passed this bill; and all attempts then made to convince the people that they were deluded, were vain and useless. Sixty-four millions they were promised, sixty-four millions they were to have, sixty-four millions they began to want; and slates and pencils were just as busy then in figuring out the dividends of the sixty-four millions, to begin on the 1st of July, as they now are in figuring out the dividends under the forty, fifty, and sixty millions, which are to begin on the 1st of January next. And now behold the end of the first chapter. The 1st of July is come, but the sixty-four millions are not in the Treasury! It is not there; and any attempt to commence the distribution of that sum, according to the terms of the land bill, would bankrupt the Treasury, stop the Government, and cause Congress to be called together, to levy taxes or make loans. So much for the land bill, which two months ago received all the praises which are now bestowed upon the deposite bill. So

the drawing had to be postponed, the performance had to be adjourned, and the 1st of January was substituted for the 1st of July. This gives six months to go upon, and defers the catastrophe of the mountain in labor until the presidential election is over. Still the 1st of January must come; and the ridicule would be too great, if there was nothing, or next to nothing, to divide. And nothing, or next to nothing, there would be, if the appropriations were fairly made, and made in time, and if nothing but a surplus was left to divide. There would be no more in the deposite banks, in that event, than has usually been in the Bank of the United States—say ten, or twelve, or fourteen, or sixteen millions; and from which, in the hands of a single bank, none of those dangers to the country were then seen which are now discovered in like sums in three dozen unconnected and independent banks. Even after all the delays and reductions in the appropriations, the surplus will now be but a trifle—such a trifle as must expose to ridicule, or something worse, all those who have tantalized the public with the expectation of forty, fifty, or sixty millions to divide. To avoid this fate, and to make up something for distribution, then, the unexpended balances have been fallen upon; the law of 1795 is nullified; the fiscal year is changed; the policy of the Government subverted; reason, justice, propriety outraged; all contracts, labor, service, salaries cut off, interrupted, or reduced; appropriations recaptured, and the Government paralyzed. Sir, the people are deceived. They are made to believe that a surplus only, an unavoidable surplus, is to be divided, when the fact is that appropriated moneys are to be seized.

Sir, I am opposed to the whole policy of this measure. I am opposed to it as going to sap the foundations of the Federal Government, and to undo the constitution, and that by evasion, in the very point for which the constitution was made. What is that point? A Treasury! a Treasury! a Treasury of its own, unconnected with, and independent of, the States. It was for this that wise and patriotic men wrote, and spoke, and prayed, for the fourteen years that intervened from the declaration of independence, in 1776, to the formation of the constitution in 1789. It was for this that so many appeals were made, so many efforts exerted, so many fruitless attempts so long repeated, to obtain from the States the power of raising revenue from imports. It was for this that the convention of 1787 met, and but for this they never would have met. The formation of a federal Treasury, unconnected with the States, and independent of the States, was the cause of the meeting of that convention; it was the great object of its labors; it was the point to which all its exertions tended, and it was the point at which failure would have been the failure of the whole object of the meeting, of the whole frame of the General Government, and of the whole design of the constitution. With infinite labor, pains, and difficulty, they succeeded in erecting the edifice of the federal Treasury; we, not builders, but destroyers, "architects of ruin," undo in a night what they accomplished in many years. We expunge the federal Treasury; we throw the Federal Government back upon the States for supplies; we unhinge and undo the constitution; and we effect our purpose by an artifice which derides, mocks, ridicules that sacred instrument, and opens the way to its perpetual evasion by every paltry performer that is able to dethrone one word, and exalt another in its place. With such objections to the thing itself, and to the manner of doing it, it would seem to be supererogatory to go into other objections; but there are other objections to the measure worthy of being mentioned in themselves, and still more as showing the true character of this measure, that of a distribution under the name of a deposite.

The assignability of these certificates is one of these objections. They are to be assigned, when necessary, to meet appropriations made by Congress, and then to bear five per cent. interest, payable half yearly. As a reality, it is injurious, and may be offensive to the States. No one likes to have his note assigned, especially when the assignment raises an interest where there was none before, and which interest is higher than others would require. The States of this Union can borrow money for less than five per cent. They can borrow it for four, payable yearly, in England and Holland certainly, and probably in France. They can borrow the gold, bring it home, clear two per cent. upon the importation in the present state of the exchanges, and keep it as long as they please—twenty, thirty, forty years. Surely, if States wish to borrow money, England and Holland are the places to obtain it; and a direct movement is the way to get it. As a reality, then, this deposite loan is a burden and a hardship; but it is no reality; it is no real transaction; but a fiction, a contrivance, a subterfuge, an evasion to elude the constitution. The certificates are never to be assigned. The contingency on which the assignment is to be made will never arrive. No appropriation requiring it to be done will ever be made. That appropriation would have to be made by Congress; the members of Congress represent the States, not the Federal Government; and their first care will be to defend their own constituents. They will not vote money to become a charge upon their own State treasuries, to be raised by a tax on the lands, houses, slaves, horses, and cattle, of their own constituents. Either they will not make the appropriation at all, or they will first cancel the assignabiltiy of the certificate, and have recourse to an increased tariff, and to higher prices on the public lands.

I object to the time at which this distribution is to be made. It is not the time at which such a thing should be done, if done at all. There is no necessity for acting now, if ever, and we are on the eve of a presidential election. It is an evil example, which may be approved to dreadful effect at future elections. In times less pure, less virtuous, less patriotic than the present, the presidential chair, like consular robes, may be sought through the instrumentality of largesses poured from the public Treasury, in emulous profusion, by the rival hands of desperate competitors. Let it never be forgotten that the contests for office, which ended in auctioneering the diadem of empire in Rome, commenced with the apparently innocent custom of dividing out corn from the public granaries.

I object to the time for another reason. There is no necessity to act at all upon this subject, at this session of Congress. The distribution is not to take effect until after we are in session again, and when the true state of the Treasury shall be known. Its true state cannot be known now; but enough is known to make it questionable whether there will be any surplus, requiring a specific disposition, over and beyond the wants of the country. Many appropriations are yet behind; two Indian wars are yet to be finished; when the wars are over, the vanquished Indians are to be removed to the West; and when there, either the Federal Government or the States must raise a force to protect the people from them. Twenty-five thousand Creeks, seven thousand Seminoles, eighteen thousand Cherokees, and others, making a totality of seventy-two thousand, are to be removed; and the expenses of removal, and the year's subsistence afterwards, is close upon seventy dollars per head. It is a problem whether there will be any surplus worth disposing of. The surplus party themselves admit there will be a disappointment unless they go beyond the surplus, and seize the appropriated moneys. The Senator from New York [Mr. WRIGHT] has made

an exposition, as candid and perspicuous as it is patriotic and unanswerable, showing that there will be an excess of appropriations over the money in the Treasury on the day that we adjourn, and that we shall have to depend upon the accruing revenue of the remainder of the year to meet the demands which we authorize. This is the state of the surplus question: problematical, debatable; the weight of the evidence and the strength of the argument entirely against it; time enough to ascertain the truth, and yet a determination to reject all evidence, refuse all time, rush on to the object, and divide the money, cost what it may to the constitution, the Government, the good of the States, and the purity of elections. The catastrophe of the land bill project ought certainly to be a warning to us. Two months ago it was pushed through, as the only means of saving the country, as the blessed act which was to save the republic. It was to commence on the first day of July its magnificent operation of distributing sixty-four millions; now it lies a corpse in the House of Representatives, a monument of haste and folly, its very authors endeavoring to supersede it by another measure, because it could not take effect without ruining the country, and, what is equally important to them, ruining themselves.

Admitting that the year produces more revenue than is wanting, is it wise, is it statesmanlike, is it consonant with our experience, to take fright at the event, and throw the money away? Did we not have forty millions of income in the year 1817? and did we not have an empty Treasury in 1819? Instead of taking fright and throwing the money away, the statesman should look into the cause of things; he should take for his motto the prayer of Virgil: *Cognoscere causa rerum.* Let me know the cause of things, and, learning this cause, act accordingly. If the redundant supply is accidental and transient, it will quickly correct itself; if founded in laws, alter them. This is the part not merely of wisdom, but of common sense. It was the conduct of 1817, when the excessive supply was seen to be the effect of transient causes—termination of the war and efflorescence of the paper system—and left to correct itself, which it did in two years. It should be the conduct now, when the excessive income is seen to be the effect of the laws and the paper system combined, and when legislation or regulation is necessary to correct it. Reduction of the tariff; reduction of the price of land to actual settlers; rejection of bank paper from universal receivability for public dues; these are the remedies. After all, the whole evil may be found in a single cause, and the whole remedy may be seen in a single measure. The public lands are exchangeable for paper. Seven hundred and fifty machines are at work striking off paper; that paper is performing the grand rounds, from the banks to the public lands, and from the lands to the banks. Every body, especially a public man, may take as much as his trunks can carry. The public domain is changing into paper; the public Treasury is filling up with paper; the new States are deluged with paper; the currency is ruining with paper; farmers, settlers, cultivators, are outbid, deprived of their selected homes, or made to pay double for them, by public men loaded, not like Philip's ass, with bags of gold, but like bank advocates, with bales of paper. Sir, the evil is in the unbridled state of the paper system, and in the unchecked receivability of paper for federal dues. Here is the evil. Banks are our masters; not one, but seven hundred and fifty! and this splendid federal Congress, like a chained and chastised slave, lies helpless and powerless at their feet.

Thus far, Mr. President, I have contemplated this measure in its effects upon the Federal Government; now let us turn our eyes to the States, and see what is to be its effect upon them. In the very outset, it is to them the golden apple which the Goddess of Discord rolled over the festive board; contend for it, and fraud and cunning award the prize. Elections in every county, legislation upon every subject, fall within its vortex. Projects of all kinds spring up: the people get nothing. Associated wealth, joint stock companies, chartered monopolies, paper barons, South Sea bubbles, and Mississippi schemes, take it all. The counties will in vain ask for their share: if they get it, the townships will in vain solicit their proportion from the county. If perchance the township obtained its ratable share, then some projector of that township would get all to himself. "The large fish eat the small ones." On the contrary, if the whole sum is fairly divided among the whole population, and every head of a family gets what he is entitled to, what is it then but the spectacle of a people pensioned by the Federal Government, fed from the public Treasury, like degenerate Romans, or receiving annuities like mendicant Indians? Sir, there is no right way to do this thing. It is a connexion against nature between the States and the Federal Government; and, like all unnatural connexions, must end in misery and mischief to both parties.

A word to the small States. They have come into this measure upon the tempting advantage of double shares, a share for their Senators as well as for their Representatives! That is some advantage for them; but do they see they have no security for it in future divisions? It is the rule of division put into the proposed amendment of the constitution by the Senator from South Carolina, [Mr. CALHOUN;] there it would have been safe. If the constitution had been amended, as proposed, they would have had their security; but it has not been amended, but evaded. A word is changed; the constitution is dodged; and the small States lie at the mercy of the large ones in all future distributions. Not only in the rule of distribution, which will soon be changed; first, to bear on all the small States by taking away the divisions for Senators; and next, to bear on all the slave States by counting only the white population. Not only in changing the rule will the small States be injured, but by another and more vexatious process; it will be in the appropriations. The large States make the appropriations, and will take care of themselves. Twice they will take the lion's share; once by appropriations, when their strength will enable them to take what they please; again, by distribution, when their numbers will give them nearly all the remainder.

A word to the States in which revenue is to be raised. We have no revenue but from land and imports. The new States contain the land, the planting States to the South furnish the exports which bring home the imports which furnish the duties. The West and South, then, are to bear the burdens of a revenue which others are to share more largely than themselves. To keep up and to increase that revenue will be the care of the majority. Farewell now to all prospect of reduction in the price of public lands; farewell to pre-emptions—to occupant rights—to grants to States and colleges—to all equitable settlement of French and Spanish concessions. Farewell to all that! Hail to the new tariff! to that tariff which the elections of Jackson and Van Buren laid low in 1832; and which in 1840, and under the maternal incubation of this miscalled deposite bill, will spring forth from the thigh of its father, like the fabulous offspring of Jupiter, full grown and armed, helmet on the brow and lance in the hand.

Sir, I can see nothing but evil, turn on which side I may, from this fatal scheme of dividing money; not surplus money, but appropriated funds; not by an amendment, but by a derisory evasion of the constitution. Where is it to end? History shows us that those who begin revolutions never end them; that those who com-

mence innovations never limit them. Here is a great innovation, constituting in reality—not in figure of speech, but in reality—a revolution in the form of our Government. We set out to divide the surplus; we are now dividing the appropriated funds. To prevent all appropriations except to the powerful States, will be the next step; and the small States, in self-defence, must oppose all appropriations, and go for a division of the whole. They will have to stand together in the Senate, and oppose all appropriations. It will not do for the large States to take all the appropriations first, and the bulk of the distribution afterwards; and there will be no way to prevent it but to refuse all appropriations, divide out the money among the States, and let each State lay it out for itself. A new surplus party will supersede the present surplus party, as successive factions supersede each other in chaotic revolutions. They will make Congress the *quæstor* of provinces, to collect money for the States to administer. This will be their argument; the States know best what they need, and can lay out the money to the best advantage, and to suit themselves. One State will want roads and no canals, another canals and no roads; one will want forts, another troops; one wants ships, another steam-cars; one wants high schools, another low schools; one is for the useful arts, another is for the fine arts, for lyceums, athenæums, museums, arts, statuary, painting, music; and the paper State will want all for banks. Thus will things go on, and Congress will have no appropriation to make, except to the President, and his head clerks, and their under clerks. Even our own pay, like it was under the confederation, may be remitted to our own States. The eight dollars a day may be voted to them, and supported by the argument that they can get better men for four dollars a day, and so save half the money, and have their work better done. Such is the progress in this road to ruin. Sir, I say of this measure, as I said of its progenitor, the land bill: if I could be willing to let evil pass, that good might come of it, I should be willing to let this bill pass. A recoil, a reaction, a revulsion, must take place. This confederacy cannot go to ruin. This Union has a place in the hearts of the people which will save it from nullification in disguise, as well as from nullification in arms. One word of myself. It is now ten years since schemes of distribution were broached upon this floor. They began with a Senator from New Jersey, now Secretary of the Treasury, [Mr. DICKERSON.] They were denounced by many for their unconstitutionality, their corrupting tendencies, and their fatal effects upon the Federal and State Governments. I took my position then, have stood upon it during all the modifications of the original scheme, and continue standing upon it now. My answer then was, pay the public debt, and reduce the taxes; my answer now is, provide for the public defences, reduce the taxes, and bridle the paper system. On this ground I have stood—on this I stand; and never did I feel more satisfaction and more exultation in my vote, when triumphant in numbers, than I now do in a minority of six.

When Mr. BENTON had concluded—

Mr. RIVES rose and spoke with great energy in favor of the bill; expressed his approbation of the removal of the deposites, as restoring them to the power of Congress; and vindicated the portion of the bill relating to the deposite banks as almost wholly free from objection. He approved the portion of the bill in regard to the State deposites, which he maintained were neither a loan nor a distribution. He expressed his utter repugnance at the large expenditures proposed by Mr. WRIGHT; and maintained that economy is absolutely indispensable to a free Government. He also replied to various objections which had been made to the bill.

Mr. TALLMADGE rose and addressed the Senate to the following effect:

Mr. President, it is no affectation in me, when I say it was not my intention to trouble the Senate with a single word on this all-important subject. After various propositions had been submitted by different gentlemen, and partially discussed, the whole matter was committed, by the order of the Senate, to a select committee of nine, composed of some of the ablest and most distinguished members of this body, with my honorable colleague [Mr. WRIGHT] as chairman. This committee, with much labor and ability, digested a bill, which embraced the propositions submitted to them, and presented it to the Senate in a form which they supposed would meet its approbation. Much interesting debate took place upon its different provisions. With the exception of an amendment, which I offered to the bill, and which I shall advert to in the course of my remarks, I contented myself with being a silent listener to the views of others, rather than occupy the time of the Senate with any views of my own. I was content to rest the correctness of my course upon the vote which I intended to give, and did give, in favor of the engrossment of the bill. That vote was given after the maturest reflection and most anxious deliberation. My honorable colleague and other Senators rested their votes upon reasons which were by them fully assigned, whilst I was willing to rest mine upon what appeared to me to be the intrinsic merits of the bill, without regard to the reasons of my own mind, which led to the result of my action. Such was the state of the case, when the question was yesterday taken on ordering the bill to be engrossed, which was carried in the affirmative by the extraordinary and almost unanimous vote of forty to six. In this stage of a bill, discussion is ordinarily closed. When we adjourned last evening, I supposed it had closed in this case; but, on the bill being called up this morning for a third reading, my honorable colleague, as it was perfectly proper for him to do, although out of the usual course, renewed the debate on its merits, and entered upon a justification of his vote of yesterday against the engrossment of the bill. As he and myself differed in our votes on that occasion, and as he has to-day assigned additional reasons for his course, I feel myself called upon, not without great reluctance, to assign some for my own; a reluctance, in the first place, in feeling constrained to differ from him on any subject, and, in the next place, in feeling obliged to break the silence which I usually maintain on this floor, from a deep conviction that, except on special occasions, it is better to be a listener than a talker here.

On many of the important subjects which have been before the Senate, and in the discussion of which I have not participated, my views have been so fully and ably expressed by my honorable colleague, in giving utterance to his own, that I have contented myself with a silent vote. I have sometimes even yielded my own to his better judgment. If, in this silence, I have done any injustice to myself, I hope I have done no injustice to my constituents. Differing on this subject, as we now do, I trust the Senate will indulge me, although at this late hour, in making such remarks as seem to be called for by the peculiarity of my position and the importance of the occasion. These remarks may be crude and undigested, and I must, for that cause, claim its indulgence; for, although I have bestowed much reflection on this subject, in order to satisfy my own mind for the vote I was to give, still I came here to-day entirely unprepared, and without the remotest expectation of being called on, by any state of things, to assign my reasons for that vote.

Mr. President, my honorable colleague has intimated that he shall soon return to his constituents, by reason

of the expiration of his present term; and if, in the vote he has given, they shall deem themselves aggrieved, they will have the opportunity to redress those grievances by filling his place with a better man. Sir, my friend is well advised of the true character of his and of my constituents. The purity of motive by which he is always governed, the honesty of purpose by which he is always actuated, is a sure guarantee of their approbation, whether, in their judgment, he has committed an error on this or any other occasion. I do not say that he has committed one; the error may be on my side; but, whether it be on the one side or the other, I feel that we may both look with perfect confidence to their indulgence, when we are left without their instructions to act according to the best lights before us.

Sir, this is a bill to regulate the deposites of the public money. After the creation of the late Bank of the United States, the public money was deposited in its vaults. In the fall of 1833, in anticipation of the expiration of its charter, and from the deep conviction that it would not be renewed, it became necessary to provide for the safekeeping of the public money, by finding other places of deposite. The Secretary of the Treasury, acting in accordance with the views of the President, removed the deposites from the Bank of the United States, and placed them in several of the State banks. Of the propriety as well as the constitutionality of this measure, I have heretofore given my views at large. This is not the proper time, nor the occasion, for renewing the discussion of that all-absorbing and agitating question. It has become matter of history, and any thing we could now say would not probably alter the opinions of any one in regard to that measure, whether it was for good, or whether it was for evil. I have seen nothing since it took place to alter my thorough conviction of its expediency at the time; neither do I believe I shall see any thing hereafter to change the opinions I then entertained, provided our measures in future in relation to the public money are characterized by that prudence and wisdom which have so signally characterized the other leading measures of this administration. The removal of the public deposites from the Bank of the United States was made the occasion, without cause, in my judgment, to impair the public confidence, and to convulse the whole monetary system of the country. Much of unjust reproach was cast upon the President for having seized, as it was termed, upon the whole public treasure of the Government, taken it under his own control, and placed it in the vaults of irresponsible State incorporations, and without the reach and custody of the law. Although the President, by using the State banks for this purpose, had done no more than preceding administrations had done, previous to the creation of the Bank of the United States, still no one was more anxious than the President himself to have those deposites in the State banks not only regulated by, but, in the strictest sense, in the custody of, the law. He has evinced his strong anxiety on this subject by repeated and earnest recommendations to Congress. The subject has been before both Houses for three successive sessions, and, thus far, without being able to agree upon any propositions which were satisfactory to both. The effort thus to regulate the public deposites by law has again been renewed at the present session, and the bill under consideration is the result of that effort. This bill contains the principal provisions of the bill which has been introduced for the two last sessions, and which was prepared under the supervision, and with the sanction, of the Secretary of the Treasury, and, as it is presumed, with the approbation of the President.

At the present session, every member seems to have responded in good faith, by his desire to carry out the earnest recommendation of the President on this all-engrossing topic. Every one seems to have felt the importance of quieting the public mind on this subject, and of restoring public confidence in our monetary system, by such legal regulations of the deposite banks as should not only render them safe depositories, but should give to the whole community entire confidence in their safety. That the deposite banks are perfectly safe, for the amount of the public money which they possess, I have not a particle of doubt. That those in my own State are so, I could vouch for, from my own personal knowledge of their concerns. But it is one thing to be safe, and another thing to have the confidence of the whole country in that safety. The present bill is intended to accomplish both those objects. This is the principal feature of the bill. This is what the President has often recommended us to do. This is what we have often expressed our own desire to do. This is what the whole commercial community expect us to do; and this, too, let me add, is what the great and paramount interests of the whole country require at our hands. Shall that recommendation be disregarded? Shall that desire be stifled? Shall that expectation be disapppointed? Shall that requirement be denied? I answer, no; emphatically, no. Shall we, by rejecting this bill, belie all our former professions? Are we willing to subject ourselves to the imputation of defeating a measure which has been so loudly demanded by the public voice, and which has been so imperiously required by the public interest; and that, too, after it has been so often urged upon us by the administration which we support? Can we make the people of this country believe in our sincerity, when we fail to carry through a measure recommended to us by every consideration of duty and of policy, as well as by the President himself? I put it to my political friends, that, as a party, we claim a majority in each House, and on this subject have no obstacles thrown in our way by our political opponents. Sir, it cannot, it must not be. What answer can we make to the oft-repeated charge, that the President and his supporters wish to keep the control of the funds of the nation, in order to control the politics of the people? We all know, we all feel, that the charge is as unjust as it is base. Shall we, then, by any act of ours, give countenance to it? Or shall we repel it in the only way in which it can be repelled, by prompt, decisive, and manly action on this subject? I cannot hesitate as to my course. Between the alternative of adopting or rejecting this proposition, I feel that there is no choice left to me. From the time the question first arose in regard to the removal of the deposites from the Bank of the United States, I have, on all occasions, expressed my readiness to regulate them, by law, in the banks of the several States. I cannot shrink from the performance of that duty. If others can see their way clear, in leaving this vast, this enormous, amount of public money in a great variety of State banks, without legal regulation, let them take the responsibility of it. I wash my hands clean of any such omission.

Sir, in what I have said I have had reference to the amount of public money now in the deposite banks. I have not taken into the account the swollen, the overflowing current, which is constantly pouring in upon us. Those banks are already full to distension, and can receive no more, either with advantage to themselves or to the Government. The gentle streams of expenditure issuing from them are like rills compared with this mighty dashing mountain torrent of revenue rushing into them. What, then, sir, shall we do? What, I emphatically ask, does our duty require us to do? Shall we force into these reservoirs more than they have capacity to contain, and faster than they can permit it to escape? Shall we, by a kind of hydraulic pressure, force them till their embankments give way? And, when we see desolation spread around them by reason of the breach, what consolation

will it be to those who may have suffered to tell them that we were deceived in the strength of their embankments, and in their capacity to receive and contain all that was poured in upon them? It will not only be no consolation to them, but no justification to us. We shall be without excuse or apology. We have it in our power now to provide against any disastrous results, and we shall be held accountable then, if such provisions be not made.

What, then, is the remedy? This bill provides it. For, although the regulation of the deposite banks is the principal object of it, still it incidentally provides for a disposition of the surplus revenue. Our duty, in regard to the former, I have already shown; our obligation, in regard to the the latter, I will proceed to show. But, before we examine the best mode of disposing of a surplus, let us inquire whether any surplus will exist. For some gentlemen, in their over-zeal on this subject, have wrought themselves up to the expression of a belief against the existence of any surplus, the existence of which seemed to be a fact all along conceded by every one. It is but very recently that any one has presumed to express a doubt in regard to it. From the annual report of the Secretary of the Treasury, at the commencement of the present session of Congress, down to a recent period in this discussion, the most zealous opponents of this bill seemed to recognise a probable surplus, and, following the example of the Secretary, were devising ways and means of getting rid of it. So confident was the Secretary on this subject, and so conscious was he of the impropriety of leaving it in the deposite banks, that he deemed it of sufficient importance to recommend a mode for a different disposition of it. My honorable colleague, acting on the same principle, and with similar views, brought before the Senate the proposition of the Secretary, and submitted it for consideration. I shall have occasion to advert to the principle of this proposition in the course of my remarks, and now merely allude to the proposition itself to show that, on all hands, a surplus has been anticipated. The bill proposes to operate upon the surplus which may be in the Treasury, beyond a certain amount, on the first day of January next. My honorable colleague has submitted a statement in figures, by which he attempts to show that the appropriations already made, and probably to be made, far exceed any amount now in the Treasury. There is nothing new in this. It is always so. The receipts into the Treasury of the current year are always calculated upon to meet appropriations made by Congress, and of which more than one half, in amount, remains in the Treasury as unexpended balances at the close of the year; so that his statement furnishes no satisfactory evidence as to the amount of surplus on the first day of January next. He merely shows what may probably be appropriated, but not drawn out of the Treasury, and omits to show what may probably be received into it. Sir, it would have been much much more satisfactory to me if my friend, skilled in figures, as we all know him to be, had given us an estimate of receipts as well as disbursements. Stopping short where he did, is calculated to produce a wrong impression on minds not accustomed to grasp and dwell on the vast expenditures, and still vaster receipts, of a Government like ours. It is an old and very familiar maxim, that figures cannot lie; but when they are paraded in this manner, and exhibit the debit without the credit side of the account, they may very easily give to the uninitiated erroneous ideas of the state of the Treasury at a particular period. I do not intend to impeach the truth of the maxim that figures cannot lie; but I mean to say that unless they are put in the right place, and enough of them, they are the greatest liars in the world. I am apprehensive that the gentleman's figures will suffer in reputation, from the fact that there are not enough of them to present the true state of the account. Now, sir, I do not intend to trouble the Senate with a detailed statement of Treasury estimates, for I did not come here expecting to be called on for any such purpose. Those estimates have been made by many, very many, during this discussion. I will not detain the Senate by repeating them; but I will take the result of the lowest amongst them all, and by that, including the stock in the Bank of the United States, there will be in the Treasury, on the first day of January next, from twenty-five to thirty millions of dollars.

Sir, if any of the estimates of receipts come within millions of the truth, there must be a large, a very large, surplus in the Treasury at that time. Our appropriations, since the late war, exclusive of the payment of the national debt, have ranged from ten to sixteen millions of dollars per annum. We have, at this time, appropriations of an extraordinary character, which will swell the amount to a much larger sum. The sum of thirty-five millions has been deemed, by almost every one, sufficiently ample to cover them. These extraordinary appropriations will not be required the next year, and therefore the future receipts of the Treasury will not be applied to them a second time. My colleague admits that the unexpended balances at the end of the year usually amount to one half of the appropriations; and where the appropriations are unusually large, those balances are increased in a still greater ratio. If the appropriations be $35,000,000, then we may safely assume the unexpended balances to be $20,000,000. But my honorable colleague, in order to make out his balance against the Treasury at this time, swells our appropriations for the present year to the enormous amount of from fifty-four to fifty-five millions of dollars. I confess I was astonished and amazed at the result. Would such an expenditure have been thought of, but for this plethora of the Treasury?

Sir, when our means are ample, I am willing to go all reasonable lengths in any appropriations for the common defence of the country. I have, thus far, gone in my votes as far as any one. There is a propriety in making liberal appropriations for national objects, when our means are abundant. I will continue to vote on the same scale of liberality; but I cannot consent to make appropriations for the mere purpose of getting rid of a troublesome and embarrassing surplus. The habit of extravagance, which will thus be acquired, will be a far greater evil than any disposition of the surplus which has been or can be proposed. But if my honorable colleague's estimate of appropriations should be correct, then I say that the unexpended balances on the first of January next would alone be more than $25,000,000—a sum equal, or nearly equal, to any estimate of the surplus in the Treasury at that time! Sir, we are told by the honorable Senator from Missouri [MR. BENTON] that he will hereafter hold us to our estimates. I am willing, sir, to be put upon the record, and will not deny my prediction of twenty-five or thirty millions of surplus on the first day of January next. Let this be placed alongside of his prediction of none, and I am content. But, say gentlemen, this unexpected surplus has arisen from the enormous amount of the sales of the public lands, which cannot be expected to be realized hereafter. Sir, I do not believe in such a sudden reduction for the present year. I think I can discern the elements and the operations by which the amount of sales is to be measurably kept up. This is not all speculation, as some gentlemen seem to suppose. The rise and value of property throughout the country is not a mere bubble. The sale of western lands is not all a bubble. If gentlemen's imaginations lag behind the reality, let them not urge their own tardiness as the rate of velocity by

which the movements of others are to be governed. Let them not apply their fanciful theories, by which all these things are to be accounted for and explained. Property has risen throughout the world. It is one of the results of a long, and continued, and almost universal peace; where the physical energies of a whole population have been applied to objects of productive industry, instead of being wasted in destructive and sanguinary wars. Let them not compare our present condition with that at the close of the late war, which exhibited a factitious state of things. The application of more than $120,000,000 to the arts of war, instead of the arts of peace, gave an unnatural impulse to every thing. Property was raised above its real value, and, of course, fell when the cause which gave the impulse ceased to operate. Not so at the present time. Property has intrinsic value, generally speaking, equal to its market value; and it arises from the application of productive labor to the improved cultivation of the soil. This labor is made capable of being applied, by means of our canals and railroads, and all kinds of internal improvements. In regard to the State of New York, (I speak not without experience,) I have witnessed the rise and progress of her greatness. Her system of internal improvements was the commencement of a new era. The opening of the Erie canal wrought a complete revolution in the internal concerns of the State. There are those now living who well recollect the time when western New York was almost a wilderness; when the now beautiful city of Utica was a frontier settlement; and when Fort Stanwix was the *ultima thule* of the State. But, sir, the revolution produced by the Erie canal was for the benefit and advancement of the whole State. It wrought changes in the mode of cultivation; and whilst the counties on the Hudson river increased tenfold, those in western New York increased a hundredfold. Who can longer wonder at the rise of property, when he sees such an increase of the products of the soil? It is within my day when the county of Dutchess sent seven members to the Assembly; whereas now she sends but three, notwithstanding a continued and increasing population, whilst some of the western counties, which were then scarcely known on the map, now outstrip her in population and representation. It is but two or three years since, when the amount of tolls on the Erie canal exceeded a million of dollars, and only one seventeenth part of the products which paid those tolls came from west of Buffalo. What but the rapid sale and settlement of our western lands could have produced such results? And if such were the astonishing effects within the borders of New York, what must they be in the far West, where emigration and population are increasing in a more than geometrical ratio? This brief statement of a few of the statistics of New York furnishes some idea of the almost inconceivable settlement and improvement of the whole region of the West. It is stated that thousands upon thousands of emigrants have already arrived this season at the single port of New York; and we are informed that from 2,000 to 2,500 daily leave the port of Buffalo, that Queen of the West. What does all of this indicate? These emigrants are not all paupers, thus suddenly thrown upon our shores. It is true there are some of this description. But the great body of them are those who have fled from the cares, the troubles, the oppressions, of the old world, to seek a home and an asylum in this land of liberty and of law. Most of them, too, have more or less means—means which, though small in the land from whence they came, are, nevertheless, sufficiently ample to make an investment, and to lay the foundation of a home and a fortune for themselves and their children in our western wilds. It is this flood-tide of emigration that is settling, and improving, and opening, this new world of the West; this tide setting in from Europe is swollen and accelerated by the immense tributary streams of emigration from New England and New York. Enterprise, intelligence, capital, and wealth, float upon its broad and resistless current, till they are scattered and spread over the vast fields of their destination. It is true, that with all this there are great speculations in the public lands; but these speculations are generally the results of a keen-eyed sagacity, of a far-reaching forecast, and of anticipated benefits, which are generally realized within the time which has been prescribed for their accomplishment. These are some of the elements that enter into the estimates for the sale and settlement of the public lands; these are some of the causes which contribute to the rapid advancement of our territorial population, until, like the aurora borealis, we see State after State shooting up into the firmament of the Union; stripe after stripe, and star after star, are thus added to that banner which so triumphantly waves "o'er the land of the free, and the home of the brave."

Again, the products from the labor of this increased and increasing population are borne on a refluent tide, and emptied into the lap of the great commercial emporium of the western world. The city of New York presents one of the happiest illustrations of the effects produced by our system of internal improvements, and of internal commerce. The assessed value of her real and personal estate, and her population at different periods since the close of the late war with Great Britain, are an unerring index to the rapid and progressive improvement of the West, and the far West, which contribute so essentially to her greatness.* Here, too, in the sudden advance of her real estate, the croakers of the present day will think they discover the work of speculation; and that this apparent prosperity must give way to some violent reaction. Sir, I am not in the habit of making predictions, but I will venture one in the present case, and that is, that, without some great and unexpected calamity, the man is not now living who will ever see real estate in the city of New York cheaper than it is at the present time. The statistics of New York are applicable to every commercial city of the Union, in proportion to the foreign and internal commerce which they enjoy, and the elements which enter into her greatness are those which contribue to the general prosperity of the whole country. But, sir, some of our political economists are frightened at this prosperity. They think they see in it the seeds of our sudden decline. They have measured us by the old standards of Europe, and cannot encompass our rapid and astonishing growth. In truth, we have astounded the European world—their statesmen and their philosophers have been baffled in all their calculations and investigations in relation to us. They have found that the rules which they have been accustomed to apply to the nations of the old world seemed to have no immediate application to us. A people of yesterday, and already the most prosperous on earth; our free institutions command the admiration of the world; our civil and religious liberty offer an asylum to the oppressed of all nations. And still, in the midst of this prosperity, in the full enjoyment of all these blessings, we find at home, as well as abroad, those who cannot discover the cause which makes us, above all others, a happy, great, and prosperous people. Sir, it

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* *Comparative statement of the population, and of the values of real and personal estate, in the city of New York, at three different periods, from the opening of the Erie canal in* 1825.

	Population.	Real estate.	Personal estate.
1825,	166,086	$58,425,625	
1830,	203,007	87,603,580	$37,584,938
1835,	270,089	143,732,425	74,991,278

is contained in two words: it is our CREDIT SYSTEM. But for this, our canals and our railroads, our great works of internal improvement of every kind, could never have been made. The Erie canal, the wonder of the age, must have remained a mere project in the imagination of its projectors. That stupendous work, which has added millions upon millions to the value of property within the extended sphere of its influence, must have remained unexecuted but for the credit system. But for this system, those great works throughout the Union, by which we have conquered time and space, could never have been accomplished. It is by this means that the giant arms of this young and growing republic have piled prosperity upon prosperity, mountains high, as the giants of old piled Ossa upon Pelion; not, like them, with a view to scale the heavens, but that she might place on its lofty summit the light of liberty, to shed its lustre and its benign influence throughout the world. Sir, that lustre has been shed, that influence has been felt, and is now being felt, in different portions of the globe. Under its magic touch thrones have trembled, dynasties have been overturned, and crowns have fallen. The credit system is the distinguishing feature between despotism and liberty; it is the offspring of free institutions; it is found to exist, and its influence is felt, in proportion to the freedom enjoyed by any people. By freedom I do not mean unregulated, unrestrained, natural liberty; but that freedom which is founded on just and equitable laws; where the rights of personal security, of private property, and religious toleration, are guarantied to every individual; where there is a general diffusion of knowledge, and the existence of public and private morality. These are the elements, and they together form the basis of public confidence on which the credit system rests. This is the invention of modern times.

In the old Governments of Europe, where liberty never found a resting place, credit was unknown. To the United States has been left the honor of maturing and perfecting this system. To the United States, also, is the honor due of having first applied the system of steam navigation. The effects on the general prosperity of the nation have been as sensibly felt in the one case as in the other; and he who should at this day recommend an entire abandonment of our credit system for a sole and exclusive metallic currency, would be deemed no less visionary than he who should attempt to substitute a Pennsylvania wagon for a locomotive or a canal packet, or should endeavor to stem the resistless current of the Mississippi in a flat boat, instead of those splendid palaces which now move majestically on its waters. Shall we, then, Mr. President, check this tide of prosperity, by the introduction of new and untried schemes? Shall we not be content with the necessaries, the comforts, the conveniences, and the luxuries of life, which are so widely diffused throughout this whole country? Shall we attempt to overthrow, subvert, and destroy, a system which has produced all these blessings; which has brought happiness and plenty to the door of every man; and that, too, for the purpose of adopting some of the exploded doctrines of the political economists of Europe? Sir, you might as well attempt to apply the common law of England, which was born and nurtured on the Thames, to the father of waters in this western world, and to our mighty inland seas, compared with which the boasted streams and lakes of Europe dwindle into rills and ponds beside them; yes, these vast inland seas, into which, in the language of a distinguished Senator of my own State, you might cast the whole land of the common law, without producing a ripple. Sir, I believe I speak the almost unanimous sentiment of my political friends in this Senate, when I say they intend no such thing. I believe I speak the sentiment of the democratic party throughout the Union, when I say, I believe they neither expect nor desire any such thing. What, then, do they expect and desire? I answer, no more nor less than what every real friend to his country is willing to adopt, namely, a preservation, and, at the same time, a regulation of the credit system. In all such measures of reform I will go as far as he who goes farthest. Preserve and regulate, but not destroy, is my motto. Enlarge your specie basis; introduce, as far as practicable, a gold currency, by the prohibition of small notes; provide means for coining at the mint; take all proper measures to prevent excessive issues of bank paper, and the unnecessary increase of bank incorporations; repeal your restraining laws, so as to permit the free employment and investment of foreign capital. Whatever danger there may be, is to be found in the abuse of the system, and not in its existence. Guard against these abuses, and correct them when discovered. An entire abandonment of the credit system, and a return to a sole and exclusive metallic currency, if it were practicable, would produce desolation and destruction from one extremity of the Union to the other. Such notions ought not, cannot, must not, prevail.

Mr. President, I hope I shall be pardoned for this digression from the main subject of discussion. My apology will be found in the course and character of this debate. The question again recurs, what disposition shall be made of the surplus revenue? That there will be a surplus, seems to have been conceded or taken for granted on all hands, except by the Senator from Missouri. It was anticipated by the Secretary of the Treasury, and he recommended a mode of disposing of it. What was that proposition? Why, sir, in substance, that the Secretary should go into the market, by himself or agent, and invest it in the State stocks. This proposition was introduced by my honorable colleague; and if a surplus was not anticipated, why introduce a proposition to dispose of that which it was supposed would have no existence? The proposition received but little favor in the Senate. I will not attempt to recapitulate the objections which were made to it. Some of them struck me as more imaginary than real. I did not appreciate them as other gentlemen did. In the vote which was taken upon my honorable colleague's proposition, we found ourselves in a lean minority of four. Being satisfied that something ought to be done, I determined to unite in a proposition which should be more generally satisfactory to my political friends. The one reported by the select committee was

"That the money which shall be in the Treasury of the United States on the first day of January, eighteen hundred and thirty-seven, reserving the sum of five millions of dollars, shall be deposited with the several States, in proportion to their respective amounts of population, as ascertained by the last census, according to the provision of the second section of the first article of the constitution; and the Secretary of the Treasury shall deliver the same to such persons as the several States may authorize to receive it, on receiving certificates of deposite, signed by the competent authorities of such State, each for such amount, and in such form, as the Secretary of the Treasury may prescribe, which shall set forth and express the obligation of the State to pay the amount thereof to the United States, or their assigns; and which said certificates it shall be competent for the Secretary of the Treasury, in the name and behalf of the United States, to sell and assign, whenever so directed by any act of Congress; all sales and assignments, however, to be ratable, and in just and equal proportions among all the States, according to the amounts received by them, respectively; and all such certificates of deposite shall be subject to, and shall bear an interest of five per centum per annum, payable half yearly, from the time of such

sale and assignment, and shall be redeemable at the pleasure of the States issuing the same."

That part of it which required an act of Congress before the Secretary could sell and assign the certificates was deemed objectionable. The object was to keep the money so far under the control of the Secretary as to enable him to use the means when necessary. I accordingly offered an amendment, which was adopted, by which the Secretary was authorized, on behalf of the United States, to sell and transfer the certificates whenever it should be necessary, for want of other money in the Treasury to meet appropriations made by Congress. This amendment removed the principal objections to the bill. It placed the avails of the money in the power of the Secretary, whenever it should be required to meet such appropriations. If there should be means sufficient in the Treasury to meet them, then of course the money would not be wanted. It would never be called for until there was a deficiency of means.

Let us now inquire, Mr. President, whether this proposition, so amended, is one which ought to be adopted. The idea of returning to the States any surplus revenue which has been collected from the people, by indirect taxation, is neither unheard of nor novel. We have high authority as to the expediency of the measure; and if the proposition under consideration, which is a mere deposite, and not a distribution, involves no constitutional difficulty, then we have the same authority in favor of its adoption. This authority is one which no friend of the administration will lightly disregard. President Jackson, in his message of December, 1829, has the following language:

"After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury beyond what may be required for its current service. As, then, the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress, and it may be fortunate for the country that it is yet to be decided. Considered in connexion with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise whenever power over such subjects may be exercised by the General Government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several States. Let us, then, endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens, been deprecated as an infraction of the constitution, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

"To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States according to their ratio of representation; and should this measure not be found warranted by the constitution, that it would be expedient to propose to the States an amendment authorizing it. I regard an appeal to the source of power, in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations."

From this it would seem that a surplus was anticipated after the extinction of the public debt, and that it would continue to a remote period, beyond the current expenses of the Government. The importance of internal improvements was duly appreciated; but, inasmuch as the appropriation of money for that purpose by Congress was necessarily unequal, and inasmuch as some entertained doubts as to the constitutional power of Congress thus to appropriate it, the President very properly expressed the opinion "that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several States according to their ratio of representation; and should this measure not be found warranted by the constitution, that it would be expedient to propose to the States an amendment authorizing it." The President seemed fully to appreciate the expediency of the measure of apportionment of the surplus revenue among the States, but cautiously and properly reserved the constitutional question. After the delivery of this message, public attention was turned to the subject. Coming from so high a source, it received due consideration, and those who doubted its expediency, suggested their objections. Here the matter rested till the next session of Congress, when the President, in his annual message of December, 1830, again recurs to the subject. He adverts to the opinion expressed in his previous message, that there would be "a considerable surplus in the Treasury beyond what may be required for its current service;" and adds, "I have had no cause to change that opinion, but much to confirm it." He again repeats the recommendation of "the adoption of some plan for the distribution of the surplus funds which may, at any time, remain in the Treasury after the national debt shall have been paid, among the States in proportion to the number of their representatives, to be applied by them to objects of internal improvement." The President then proceeds to answer the objections which have been made to the recommendation contained in his former message, and repeated in this. Those objections are the same which have been urged against this bill, and he refutes them satisfactorily and triumphantly.

It is due to him that I should give his views in his own language. They are as follows:

"I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds which may at any time remain in the Treasury, after the national debt shall have been paid, among the States, in proportion to the number of their representatives, to be applied by them to objects of internal improvement.

"Although this plan has met with favor in some portions of the Union, it has also elicited objections which merit deliberate consideration. A brief notice of these objections here, will not, therefore, I trust, be regarded as out of place.

"They rest, as far as they have come to my knowledge, on the following grounds: 1st, an objection to the ratio of distribution; 2d, an apprehension that the existence of such a regulation would produce improvident and oppressive taxation to raise the funds for distribution; 3d, that the mode proposed would lead to the construction of works of a local nature, to the exclusion of such as are general, and as would, consequently, be of a more useful character; and, last, that it would create a discreditable and injurious dependance on the part of the State Governments upon the Federal power. Of those who object to the ratio of representation as the basis of distribution, some insist that the importations of the respective States would constitute one that would be more equitable; and others, again, that the extent of their respective territories would furnish a standard which would be more expedient, and sufficiently equitable. The ratio of representation presented itself to my mind, and it still does, as one of obvious equity, because of its

being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation. It does not follow, however, that its adoption is indispensable to the establishment of the system proposed. There may be considerations appertaining to the subject which would render a departure, to some extent, from the rule of contribution proper. Nor is it absolutely necessary that the basis of distribution be confined to one ground. It may, if, in the judgment of those whose right it is to fix it, it be deemed politic and just to give it that character, have regard to several.

"In my first message I stated it to be my opinion that 'it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury beyond what may be required for its current service.' I have had no cause to change that opinion, but much to confirm it. Should these expectations be realized, a suitable fund would thus be produced for the plan under consideration to operate upon; and, if there be no such fund, its adoption will, in my opinion, work no injury to any interest; for I cannot assent to the justness of the apprehension that the establishment of the proposed system would tend to the encouragement of improvident legislation of the character supposed. Whatever the proper authority, in the exercise of constitutional power, shall at any time hereafter decide to be for the general good, will, in that as in other respects, deserve and receive the acquiescence and support of the whole country; and we have ample security that every abuse of power in that regard, by the agents of the people, will receive a speedy and effectual corrective at their hands. The views which I take of the future, founded on the obvious and increasing improvement of all classes of our fellow-citizens in intelligence and in public and private virtue, leave me without much apprehension on that head.

"I do not doubt that those who come after us will be as much alive as we are to the obligations upon all the trustees of political power to exempt those for whom they act from all unnecessary burdens; and as sensible of the great truth, that the resources of the nation, beyond those required for immediate and necessary purposes of Government, can nowhere be so well deposited as in the pockets of the people."

I am glad that my friend from Virginia [Mr. RIVES] referred to this message as containing the grounds of his argument. I should have referred to it, if he had not; for this recommendation was strongly impressed on my mind, although I had not seen it from the time it was delivered till this day. But I was a member of the Senate of New York at that period, and well remember that the doctrines of this message formed the basis of our Governor's message on this subject. The reports of our committees on internal improvements, in both Houses, assumed the same ground. I believe the constitutional question was all along reserved; but, aside from that, no one at that time seemed to doubt the expediency or the policy of the measure. I have been subsequently led to doubt both the expediency and policy of a general system of distribution amongst the States of the surplus revenue of the Government. I have feared that it might create a too great dependance of the States on the General Government. I will not now say any thing of the constitutional question, farther than to express my opinion that Congress has no power to raise revenue for the purpose of distribution. But when we find a surplus on our hands, without any design from our legislation to produce it, it presents a different question. The time has now arrived, the contingencies have now happened, when the President anticipated such a surplus; the surplus is on hand, and it will continue to increase far beyond our appropriations. It is in vain to shut our eyes to the fact; we may deceive ourselves, but we cannot deceive others. This surplus cannot be disposed of by appropriations, unless of the most extravagant character. Will the people tolerate appropriations for the mere purpose of getting rid of a surplus? No, sir, I apprehend not. They will justify their representatives in making liberal appropriations for all objects of national defence. Extravagant expenditures, for the sole object of disposing of the surplus revenue, are, in my judgment, far more dangerous than any objections which I have heard urged against a distribution amongst the States. These expenditures beget the necessity of continuing them, and by and by we shall be obliged to raise the tariff, and increase the burdens of the people, for the purpose of carrying out the extravagances with which we improvidently commenced. Sir, the people of this country will never approve such a principle. What, then, shall be done? We have a large surplus on hand. It will be much larger on the 1st of January next. It is in vain to wish we had it not. It is in our hands, and we must dispose of it. No matter by what means we got it—no matter whether by indiscreet or improvident legislation. We have the surplus—call it accidental, or incidental, or unavoidable. The question is, What shall we do with it? Shall we throw it into the ocean? No. Shall we burn it up? No. What, then, shall we do with it? Shall we leave it to accumulate in the deposite banks? There are weighty objections against it. There is no reason for keeping in those banks any more than is required for the current disbursements of the Government. That will always be a large amount. Beyond that, it is neither profitable to the banks nor useful to the people. Most of the banks are limited in their discounts by their charters. The elements which enter into their discounts are, their capital, their circulation, and their deposites. In the city of New York their deposites are large and their circulation small. In fact, their circulation is a mere bagatelle. Well, sir, when their discounts run up to the limit prescribed by their charters, the surplus deposites are of no further use to them nor to the public. It is true, in the city of New York, they have been used so far as prudence and a due regard to the calls of the Government would permit.

The surplus, beyond what the deposite banks could use, and beyond what was required to meet the drafts of the Treasury, has been loaned, without interest, to other banks, on which they have discounted; and the community have thus had the benefit. After the late calamitous fire in the city of New York, I have no doubt the banks have discounted on these funds, and thereby essentially relieved the commercial interests of the city. The idea that these funds, to the amount of millions, have been hoarded up by the banks, is as improbable as it is untrue. They have been used, so far as prudence would permit; but still their benefits in this way are very unequally distributed amongst the whole people. If the money has been collected, by indirect taxation, from the people, it is right that they should participate, in the same ratio, in its benefits. This cannot be done through the deposite banks. I see no mode left so just and proper, and so unexceptionable, as the one prescribed in this bill, namely, a deposite with the States. If there were any thing objectionable in a distribution, as recommended by the President, there would not be, as it appears to me, in a deposite with the States. The President, in all his messages, has been perfectly consistent. He has never recommended a general system of distribution. He has merely pointed out a mode of disposing of any surplus which might be unavoidably on hand beyond the wants of the Government, after the extinction

of the national debt. He has always contended against the policy of raising revenue for the purpose of distribution, but has, at different times, suggested the expediency of such a disposition of any surplus which might be in the Treasury, without any design on the part of the Government to produce it for such a purpose. This distinction has been kept up all along by the President, in all his messages in which he has had occasion to touch the subject. It is a distinction by which he has stood justified, and will stand justified, before the people, as long as he maintains that consistency, that upright, honest course, which has thus far characterized all his public acts, and which, I trust, will characterize them in future. His doctrines, thus far, on this subject, have been approved; and the distinction to which I have alluded, and which can be traced through all his messages, is one sound in itself, and one perfectly understood by the people of the United States. In his veto message on the land bill, in 1832, I find the same distinction; and here, too, it is proper to add that he suggested doubts, as he had done before, of its constitutionality; but the distinction between returning to the people an unavoidable surplus of revenue, paid in by them, and creating a surplus for the purpose of distribution among the States, is clearly taken and kept up, in perfect accordance with what he had said on former occasions. I most heartily approve of the doctrines contained in that message. I am fully sensible of the dangers to be apprehended from a general distribution system in regard to a surplus created for the purpose of such distribution. The President's reasoning on that subject is perfectly conclusive to my mind. Amongst other things, he says:

"It has been supposed that, with all the reductions in our revenue which could be speedily effected by Congress, without injury to the substantial interests of the country, there might be, for some years to come, a surplus of moneys in the Treasury, and that there was, in principle, no objection to returning them to the people by whom they were paid. As the literal accomplishment of such an object is obviously impracticable, it was thought admissible, as the nearest approximation to it, to hand them over to the State Governments, the more immediate representatives of the people, to be by them applied to the benefit of those to whom they properly belonged. The principle and the object was to return to the people an unavoidable surplus of revenue which might have been paid by them under a system which could not at once be abandoned; but even this resource, which at one time seemed to be almost the only alternative to save the General Government from grasping unlimited power over internal improvements, was suggested with doubts of its constitutionality.

"But this bill assumes a new principle. Its object is not to return to the people an unavoidable surplus of revenue paid in by them, but to create a surplus for distribution among the States. It seizes the entire proceeds of one source of revenue, and sets them apart as a surplus, making it necessary to raise the moneys for supporting the Government, and meeting the general charges, from other sources. It even throws the entire land system upon the customs for its support, and makes the public lands a perpetual charge upon the Treasury. It does not return to the people moneys accidentally or unavoidably paid by them to the Government, by which they are not wanted; but compels the people to pay moneys into the Treasury for the mere purpose of creating a surplus for distribution to their State Governments."

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"However willing I might be that any unavoidable surplus in the Treasury should be returned to the people through their State Governments, I cannot assent to the principle that a surplus may be created for the purpose of distribution. Viewing this bill as, in effect, assuming the right not only to create a surplus for that purpose, but to divide the contents of the Treasury among the States without limitation, from whatever source they may be derived, and asserting the power to raise and appropriate money for the support of every State Government and institution, as well as for making every local improvement, however trivial, I cannot give it my assent."

From all this it appears that the President is in favor of a disposition of an incidental or unavoidable surplus, provided, always, it can be constitutionally done. I will not stop to inquire whether such a distribution of such a surplus be constitutional or not. It is not necessary in reference to the proposition contained in this bill. This proposition is not a distribution by which the money becomes absolutely the property of the States, and which is never again to be returned, and which the States are under no obligation to return to the United States; but it is a mere deposite with the States of the surplus revenue, incidentally and unavoidably on hand, by which the States acquire no property in it. It remains the property of the United States just as fully and as perfectly as if it were in the immediate custody of the Secretary of the Treasury. The States become the mere depositories. Now, as to the constitutional power of Congress to direct the surplus revenue of the Government, incidentally and unavoidably in the Treasury, to be deposited whenever and wherever it pleases, I cannot for one moment entertain a particle of doubt. It is the duty of the administration of the Government, whenever they find such a fund on hand, to take care of it and preserve it—to keep it safely till it is wanted for the legitimate uses of the Government. Those uses are to be judged of by Congress, and its appropriations are indicative of what it deems proper objects to which it should be applied. Until it is wanted for such appropriations, it is the duty of the Secretary of the Treasury, acting under the advice of the Executive, to keep it safely. Unless the places of deposite are prescribed by law, he takes upon himself the responsibility of selecting them; but if Congress sees fit to act, it may direct such places as, in its wisdom, shall seem most meet and proper. Now, sir, I hold that Congress can constitutionally direct the public money to be deposited wherever it pleases. It may direct it to be deposited in the Bank of England, in the State banks, in the mint of the United States, or in the treasuries of the several States. Congress, whenever it undertakes to direct on this subject, is the sole judge of the place of deposite. It would intend, unquestionably, to select such places as are perfectly safe; it would not discharge its duty to the people, whose representatives they are, and whose money it is, unless it selected places of deposite which were perfectly safe. Let me ask, Can there be any safer depositories than the States? I answer, No. The stability of this Government depends on the stability of the States; it cannot exist without them. They, therefore, afford the very best and highest security which we can have for the safe keeping as well as the safe return of the money which may be intrusted to them, respectively. It is no objection to the constitutional power of Congress thus to dispose of the public money, that it is deposited ratably with the States. So far as constitutional right is concerned, looking at this matter as a mere deposite, Congress could order it to be deposited in such proportions as it pleased; but the very object of thus depositing the surplus with the States is, that we thereby have the best security for its safe keeping, and the best guarantee for its sure return when required; and inasmuch as this incidental or unavoidable surplus, as the President terms it, has been collected by indirect taxation out of the people, it is but just and equitable that some rule

should be adopted, in depositing it with the States, that shall give to them equal benefits, so far as incidental benefits are to be derived from becoming the depositories of it.

If we should adopt the same ratio that we would in an absolute distribution, provided we had the constitutional power to distribute it, it would be no argument against the constitutional power of Congress thus to deposite it. As to the constitutional power of Congress over this subject, I cannot for one moment doubt; I will not suffer myself to doubt. No one I have heard has suggested any constitutional doubt, and no one, in my judgment, can place such an objection before the people in a way that they can comprehend it, or feel the force of it. From this view of the matter, I feel justified in saying that I am sustained in my support of the proposition contained in this bill, by the principles laid down in the several messages of the President to which I have referred; and backed by such authority, and from a deep settled conviction of the importance of the measure, I cannot hesitate as to the vote I shall give. If this plan be not adopted, I ask gentlemen by what mode will they dispose of this surplus? If there be any who do not believe there will be a surplus, (and this number must be very small,) to them I say, the plan proposed can do no harm in that event, because there will be nothing on which it can operate. If the sentiment were unanimous, or any thing like it, that there will be no surplus, I would not then adopt any measure in relation to it, when there was no probability of its being required. But this is a very different case. No rational man can doubt but that there will be a large surplus, unless our appropriations are made for the express purpose of getting rid of it; and, of course, in a very extravagant manner. I again ask, what shall we do with it? It is in vain to make objections to this proposition, unless gentlemen will condescend to point out some other mode of disposing of the public money. If none is suggested, and the present bill be not adopted, the money must remain in the deposite banks, without legal regulation, and subject to all the clamor which has been, and which will hereafter be, made against them. I here repeat, as I have before said, I have entire confidence in the deposite banks. But no one can hesitate to say, and it is no disparagement to any banks to say, that this vast and accumulating treasure is more secure in the treasuries of the several States. With the confidence which I place in the security of the deposite banks, it would not be surprising if I should be in favor of leaving it there; but that gentlemen who profess to look upon all banks with more or less distrust should be willing to leave it there, instead of depositing it with the States, is to me a matter of astonishment.

Some gentlemen, when pressed upon this point, and asked, what will you do? are ready to say, leave it till the next session of Congress. Why leave it till the next session of Congress? I emphatically ask. If there is to be a large surplus in the Treasury on the 1st of January next, it is our duty to the banks themselves, as well as our duty to our country, to make early arrangements for its disposition. If it is to be deposited with the States, the banks ought to know it, that they may be prepared for it at the time fixed for that purpose. If it is to be left with them, and no change is hereafter to be made, they ought equally to know it; for their arrangements in relation to the management of their own means would depend more or less on the fact, whether they were to retain the means of the Government. So that, in any point of view, it is all-important that the question be now settled. Every important interest of the country requires it. If it be not now arranged, it will be productive of the most alarming consequences. If this money is thus suffered to accumulate in these banks, the people will never rest satisfied that it shall behoarded up there; and it would in that case be of no use to the banks to have it. I take it for granted, then, it must be used. How far such a use of money, which has been collected from the people, would be deemed a just and equitable use of it in regard to the great body of them, I leave to the American people to judge. In the use of such means there is more or less favoritism; and the desire of the banks to make the most of it, especially if an interest is to be charged on it in their hands, would tend strongly towards those extravagant and wild speculations, about which gentlemen have so feelingly declaimed. If this money should be loaned out to the communities where these deposite banks are located, will it not be seen at once that the business of those places will be more or less extended, according to the means employed? Suppose, then, when these funds to such an enormous amount are thus loaned out, and the Government should want the money, can these banks respond, on notice given, to the call? If they can, it will be by reason of a sudden call on their debtors. What will be the consequence of such a call? We can readily foresee it. The whole money market will be disturbed. Like the sudden expansion and contraction of bank issues and bank discounts at all times, they would convulse the whole commercial community. Those convulsions are not confined to the communities in which they happen; their effects are felt every where. You cannot strike a blow at the city of New York, which will not be felt, not only through the whole State, but throughout the whole Union.

But it may be said, and I believe has been said, in the course of this debate, that this money will not be needed by the Government, and will not be called for from the banks. So much the worse. The longer such an immense sum is left to accumulate and to be used by them, the worse it is. But, Mr. President, public sentiment, which is generally right, demands that some other disposition be made of this surplus revenue. The people are jealous enough of banks at all times, but are peculiarly so of those, at this time, which hold such vast treasures which belong to them. Unless some other disposition be made of this surplus, suspicions will go abroad that the money is kept there for improper purposes, and from improper motives. We know there is no ground for such suspicion. But if it exist, whether true or false, the effect is the same. Its tendency is to agitate the public mind, and a consequent derangement of the moneyed concerns of the country. I can readily foresee that, if Congress adjourns without regulating the deposite banks by law, and without disposing of this surplus revenue, the whole country will be agitated by this all-important question, and we shall have to encounter another scene of panic and distress, and thereby derange the currency, and more or less affect every interest in the country. No matter whether there be any just ground for such agitation or not, such is the state of parties and of party feeling that we cannot hope to be rid of it, however much we may deprecate its existence. Sir, I live in a commercial community. I feel that I know something of its interests, and I am unwilling, for any consideration whatever, that this all-engrossing topic should any longer be made the sport of party, to the great detriment of the paramount interests of society. I am unwilling that such considerations shall, by designing politicians, be mingled in the approaching presidential contest, and that the commencement of the next session of Congress shall be the singal for increased and increasing excitement till it is closed. Sir, public confidence in our banks, as well as in our political institutions, becomes impaired by such constant assaults; and when that is impaired, every interest must suffer. I cannot, therefore,

lend my aid to continue such a state of things. By depositing this money with the States, as is proposed by this bill, the public mind will be quieted; the banks will be freed from the suspicion, as well as the odium, which must attach to them under the state of things which I have attempted to describe; and, above all things, our pecuniary concerns will be separated from all political connexions or associations—a consummation devoutly to be wished.

Sir, there is no constitutional objection to this bill. The most refined sophistry cannot show any. Gentlemen may attempt to confound it with a distribution. But it is no more nor less than a simple deposite of the public money with the States. It avoids the objections which would exist to a general system of distribution. That implies that a surplus shall be created for the purpose of distribution. This does not even distribute a surplus, accidentally and unavoidably on hand. It deposites it with the States. It still remains the property of the Government, and the Government can use the money whenever it is required for the public service. It creates no dependance, on the part of the States, on the General Government, as a distribution system might do. It merely provides for the present emergency. It disposes safely of a surplus, for which, at present, we have no use, and with which we know not what to do. If gentlemen would satisfy me of any other proper disposition of it, I would embrace any proposition that would seem to meet the exigency of the case. But I hear of none, except to spend it all by extravagant appropriations, or leave it to accumulate in the deposite banks. To both of these I have already indicated my objections. We are then brought back to the proposition contained in this bill; and I confess, after the maturest deliberation and reflection, I can not only see no objection to it, but I can conceive of no mode so proper. By this mode the States will receive their ratable proportions of the surplus, giving the security of the States themselves for the repayment, when it is needed by the General Government. This money is retained by the States, without interest, until the Secretary of the Treasury, for want of other means, sells the certificates of deposites, when they are made to bear an interest of five per cent. These certificates are redeemable at the pleasure of the States, and would always bring par in the market, and probably a premium. No arrangement which has been suggested, or, as I believe, can be suggested, is, in my judgment, equal to this. It is the best for both parties. It is best for the United States. It is best for the individual States. If they invest the money in internal improvements, or as a fund for education, it will be vastly better employed for the whole country than if it were left for the use of speculators in the deposite banks; and whenever it is wanted by the General Government, the Secretary of the Treasury, as its agent, has only to sell the certificates in market to get the money on them; and the States, on such sale, have merely to provide for the payment of interest at the rate of five per cent. They are not bound to raise the principal on any such call, because the certificates are made redeemable at their pleasure; and when they are sold, they become to the States the same as any other five per cent. stock which they may have issued. One advantage, and one great advantage, of this proposition is, that it requires no action on the part of Congress, nor on the part of the States, to bring this money back to the Treasury, whenever it is required for the wants of the Government. Congress judges in the first instance of those wants, and makes appropriations to meet them.

If, then, there is a lack of other means, the Secretary of the Treasury, without any further action on the part of Congress or the States, can avail himself of the fund thus deposited, by a sale and transfer of the certificates. As long as this money remains the property of the General Government, the States will exercise a proper caution as to the use and application of it. There will be no profligate expenditures, merely because they have come into the possession of such an amount of funds. Most of the States would probably apply it to internal improvements, already authorized by their respective Legislatures, and perhaps already commenced. If it should be thus applied, there can be no better evidence of its proper application, because such works have been authorized and commenced without reference to any such means. I might instance the State of New York as in this situation now. The last Legislature directed new works of internal improvement to be commenced, and loaned her credit to the Hudson and Erie Railroad Company, to the amount, in the aggregate of $6,000,000. For this amount she must issue stocks, and raise the money as it is wanted, and bearing such interest as is directed by the act authorizing it. If she should receive, under this bill, $5,000,000, more or less, it would to that extent take the place of the stocks which are by her past legislation already directed to be issued. This money she would apply to those works of internal improvement, and would pay no interest on it till it should be wanted for the use of the United States; and whenever it should be so wanted, she would then pay an interest, the same as she would have paid from the beginning, on her own stocks, and provide for the principal whenever it suits her convenience, because the certificates of deposite are redeemable at her pleasure. If the money should not be called for, then she will retain it, without interest, still resting under the obligation to return it when required, and whenever it suits her convenience to redeem her certificates which may have been put into the market. What objection is there to her thus using this money? Has she not, like every State in the Union, contributed, by the indirect taxation of the people, to raise it? It is true it has not been raised with the design to accumulate a surplus; but being unavoidably and without design on hand, what valid objection can be urged to such an application of it? What application can be made that will so much benefit the whole country? The States can carry on their works of internal improvement much better and much more economically than the United States can, even if there were no constitutional objection to such a system on behalf of the General Government.

By the proposition in this bill we also avoid another objection which is sometimes urged against a system of distribution, by which the money is given to the States, namely, that we have no right in this way to carry on a system of internal improvements, by means of the agency of the States, which we cannot carry on directly. In other words, if Congress cannot appropriate and apply the money for such purposes, it cannot give it to the States for the same purposes. Under the present bill, the money is not given to the States. It is merely deposited with them for safe keeping. It remains the property of the United States, and to be applied by their agent, the Secretary of the Treasury, whenever it shall become necessary to meet appropriations made by Congress. There is also this additional advantage of this proposition, namely: whenever these certificates are sold, like all our State stocks, they would probably find their way to Europe, and would, to the amount sold, be the means of introducing foreign capital into the country. This is what is wanted. I will not dwell on the importance of foreign capital to a country, and particularly to this country. Our astonishing growth and prosperity are greatly owing to the introduction and use of foreign capital. Amidst all the turmoil and disturbances of the European world, there is no safer investment for capital from abroad than the public securities of this country,

whether they be stocks of the United States or of the several States. Such, sir, are some of the advantages proposed by this bill; and in addition to all these, though last not least, its adoption will tend to quiet the public mind, to get rid of that feverish state of anxiety which has existed for some time past, which has kept our monetary system in constant agitation, which has disturbed the peace of the whole commercial community, and more or less deranged the affairs of the whole country.

Mr. President, if such be some of the advantages of this bill, (and I confess I have glanced at them but hastily,) what, let me ask, is the objection to its adoption? Why, sir, it is objected, in the first place, that the two propositions, namely, to regulate by law the deposite banks, and to dispose of the surplus revenue, ought not to have been in the same bill. Viewing these propositions as I do, I have not, on my own account, any objection to their being embraced in the same bill; but knowing that a few of my political friends entertained different views from me in regard to the latter one, I felt it due to them that they should have the opportunity of acting and voting separately on them. My honorable colleague, although he originally put the propositions together, accordingly moved to recommit the bill to a committee, with instructions to report two separate bills. After repeated trials, it was decided not to recommit. This I regret, because such a separation would have left each proposition to rest on its own merits, and every member of this body could, with perfect freedom, have voted for the one or the other, as he should deem best. But the two propositions have been kept together against my vote and against my wishes. The question now is, approving them both as I do, whether I shall vote against the whole bill because it contains a proposition which some other gentlemen do not approve. Sir, I cannot, under these circumstances, hesitate as to my course. I voted for the engrossment of the bill; I shall vote for it on its final passage. But my honorable colleague objects to the ratio introduced by the amendment of the Senator from Mississippi. Sir, I resisted that ratio to the utmost. I deemed the ratio in the bill as reported by the select committee, namely, in proportion to federal population, more equitable and just; but I cannot vote against the whole bill merely because it takes the representatives of the States in the two Houses of Congress as the basis of deposite, instead of the representation in the popular branch. And, even though the ratio were restored, as my honorable colleague desires it, we know perfectly well that the bill would not receive his vote. Having done all in my power to retain the ratio required by the interests of my own State, and which seemed to me both just and equitable, and having failed in that, I cannot, consistently with my sense of duty, vote against a bill which contains two such important provisions, even if I have some objections to that part which relates to the surplus revenue. I should feel that they ought to be very weighty and very strong to induce me to vote against the other part of the bill regulating the public deposites by law—a measure so frequently recommended by the President, and so imperiously demanded by the public voice.

Sir, the honorable Senator from Missouri objects to this bill that it does not except from this ratable deposite with the States the unexpended balances, as they are termed, of the appropriations made by Congress; that the bill recaptures them, to use his own emphatical language, and brings them back for the purpose of distribution, after they have been appropriated by Congress. Sir, a good argument is sometimes put down and a bad one built up by a sarcasm. This, I apprehend, must have been the object of the honorable Senator in thus speaking of the recapture of these unexpended balances.

Sir, what are the facts in regard to these balances? Congress makes appropriations to a large amount for the current year. A portion of the money, generally about one half, remains unexpended at the end of the year. Now, sir, when this money is wanted to meet such appropriations, the only inquiry is, whether the Secretary of the Treasury has the means for the purpose. No matter whether those means are in the Treasury, from past receipts, before the appropriations were made, or whether they have come there from receipts subsequent to their being made; the only inquiry should be, has the Secretary the means to meet them? This is the common practice. Appropriations are often made beyond the money in the Treasury at the time, and are expected to be met by the subsequent receipts. But the sarcastic remark of the honorable Senator from Missouri would seem to imply that specific money was set apart for specific appropriations; as if, the moment an appropriation was made, an ear-mark was placed upon the money in the Treasury sufficient to meet them; and then, that those identical pieces were called in whenever they were needed, as a Dutchess county farmer would select particular sheep from his whole flock by the ear-marks he had previously placed on them. Sir, this idea is altogether fanciful. There are no such specific sums set apart for specific appropriations. If this were so, what would be the result of the appropriations, if they should be made by the present Congress to the amount of some fifty-five millions of dollars, according to the statement exhibited by my honorable colleague? Why, sir, the unexpended balances alone of such appropriations, that would remain in the Treasury on the first of January next, would be thirty millions of dollars. Do gentlemen desire that any such amount, or any portion of it, should remain there, merely because it is an unexpended balance, and when the receipts of the current year will be more than sufficient to meet all the appropriations which will be made? It will be recollected that five millions of dollars are to be retained to meet any possible contingencies of the Treasury; and if, at any time, and from any unforeseen contingency, more should be wanted, the Secretary can at any moment cash the certificates of deposite in his hands, and thus avail himself of any amount he may require. There is no necessity, therefore, that these unexpended balances should be excepted out of the amount to be deposited; but there is every reason in the world why they should be included in it.

Again, sir, it is urged that this surplus, thus deposited with the States, will never be called for by the General Government, and that such calls would not be responded to by the States if they were made. Let us, for one moment, examine these objections. In the first place, the way in which the money would be called for would be through appropriations made by Congress; and in case there were not means in the Treasury to meet them, the Secretary would sell the certificates of deposite for the purpose of raising the means. The States would have nothing to do with the transaction. The Secretary would require no response from them. This objection might have had some plausibility if the bill had required that the certificates should be paid by the States, instead of being made transferable, and thereby enabling the Secretary of the Treasury to cash them in the market. But, even if such had been its provision, does any one believe that there is a solitary State in this Union which would violate its pledged faith to this or any other Government? No, sir, no one can seriously entertain such an opinion. I would vouch for all of them. Corruption has not so far fastened on the vitals of any of them, that they should so soon exhibit such evidences of premature decay. It is, however, said that Congress would omit to make appropriations, in order to

prevent this money from being called for or required by the Secretary of the Treasury. What! Mr. President, Congress refuse to perform its duty to the country from the paltry consideration of keeping so much trash as might be grasped thus in the treasuries of the States! Who compose this body that would thus withhold the means for the common defence of the country? Let every member of either House put the question to himself, whether he would be governed by such motives. His answer will be, No, sir—no. For my own part I should despise myself, if such considerations could, for a single moment, influence me; and I believe that sentiment pervades the breast of every one who hears me. Where, then, is the danger of appropriations being withheld? I have heard it said that our constituents, the people, would direct or instruct us to vote against them, in order to prevent their portion of this surplus being withdrawn from their respective States. Sir, there is no such sordid and debasing spirit amongst the people of this country. They will go all necessary lengths to sustain the Government in any emergency, whether it be peace or whether it be war. It is their pride and their ambition to rally round the standard of their country, and to provide the requisite means for sustaining its institutions and its honor. So far from withholding its means from it, they would always be ready to contribute their own. Sir, I have studied the character of the American people to little purpose, if I could suppose them capable of being guilty of such meanness. No, sir, they are a noble, a generous, a chivalrous people. Whilst I trust they will always guard against unnecessary and extravagant expenditures, at the same time I feel assured that nothing will be withheld which is right and necessary for the proper administration of the Government. Is our own patriotism of so much higher order than theirs, that we are willing to say that we, their representatives, would not, of our own accord, withhold appropriations, but should be compelled to do it under their influence and instructions? Sir, I do not think so meanly of myself, nor of my constituents. I am unwilling to assume any such attitude in regard to them, and I trust they will not assume it in regard to me. I am unwilling, with a kind of Pharisaic, political righteousness, to say to my constituents I am holier than you. No, sir, rather than place myself in such a contrast with them, I would say, with the humble publican, God be merciful to me, a sinner.

This idea of withholding appropriations, either by representative or constituent, is ideal. It exists in the imagination. Equally fanciful is that notion which has been advanced, that our tariff of duties on foreign imports will be increased, for the purpose of creating a surplus for distribution. No gentleman will admit that he would be governed in his action here by such a motive. Nay, he would repel with indignation such a charge. I would repel it for my constituents as readily as I would repel it for myself. Sir, the difference between the proposition contained in the bill and an absolute system of distribution is as palpable as that between the night and the day. In the first case, we deposite with the States, for safe-keeping, an accidental and unavoidable surplus, to be used by the Government when required. In the other, we create a surplus for the purpose of being given to the States, and without any expectation or obligation on their part to return it. Sir, there is no danger of raising our duties on imports for such a purpose. The principle on which duties are levied, I believe, is well and universally understood at this day. Graduate your duties so as to raise no more revenue than is required for the economical wants of the Government, and, in thus graduating them, give incidental protection to such branches of industry as you think the interests of the country require to be protected. But, sir, if you want to ensure an increase of duties, let your expenditures be made extravagant, for the purpose of absorbing this immense surplus, and the duties must be increased to furnish means to carry out the extravagance thus commenced. I beg gentlemen to reflect on this subject. They seem to have looked only on one side of the question. Whilst they are attempting to avoid an imaginary evil, they are rushing into absolute danger. To them might well be applied the Roman maxim, *Incidit in Scyllam qui vult vitare Charybdim.*

Put it to the plain, practical, common sense of every man in this nation, and he will respond to you that he is governed by no such motives as those attributed to him. He will tell you that this surplus is in a situation to be productive of immense mischief, as it now is; he will tell you it ought to be deposited with the States, because it will there be safely kept and carefully used, for the benefit of the people, who contributed towards it; and that it will be forthcoming whenever the wants of the Government require it. If such would be the convictions of every honest man, how can you charge upon the great mass of the people of this country such base and surdid motives as a contrary position would imply? Sir, it cannot be; I feel that the spirit of the people is above it; I feel that I know the motives which govern my fellow-citizens in such matters. I have been brought up with them; I have always lived in the midst of them; and I am yet to learn that such are their principles of action. I am persuaded I speak the sentiments of the people of the State of New York on this subject. They cannot be seduced from their integrity by such means. They may be willing to keep the public money, as a safe depository of it, till it is needed for the public service; but they will not be humble suppliants here for your bounty; and they will not instruct their representatives to do that which they would not do themselves. There is no danger, therefore, in this measure. It is the only one which avoids all danger. If this be not adopted, there are but two other modes of disposing of the surplus left. The one is by extravagant appropriations, without reference to the real wants of the country, and which will require an increased tariff to carry them through. The other is, to leave them in the deposite banks, to become the prey of speculators, and the foot-ball of party. Sir, I cannot hesitate between them. And I am utterly at a loss to conceive how gentlemen, who are so naturally jealous of all banks, are willing to leave this immense power in their hands. When the United States Bank was deprived of its power by the removal of the deposites, it had, at that time, but about seven millions of the public money; whereas, by the lowest estimates, these deposite banks will have, on the first of January next, not less than thirty millions. Do not gentlemen perceive that they are putting into their hands a power far greater than they were willing to intrust to the Bank of the United States? Do they not also perceive that, by rejecting that portion of the bill which relates to the deposite banks, they are leaving this immense power in their hands without any regulation by law? Why is all this? Why, simply because they are apprehensive that, by depositing this surplus, ratably, among twenty-six States of this Union, it will tend to corrupt the people! They are willing to leave it in these banks, without legal restraints, subject to all the vicissitudes and dangers which the use and disposition of such an immense fund must always encounter; but they are unwilling to intrust it to the custody of the States, under the sanction of law, to be by them safely kept, and surely returned, whenever the wants of the Government require it. Sir, I think I speak the sentiments of the deposite banks when I say I do not believe they wish to keep it. They are not unaware of the tendency to speculation and over-

trading which the use of such immense means has on the whole community; and when thus embarked, any sudden demand for and withdrawal of these means must produce consequences of the most destructive character. I can readily foresee that, even if this bill becomes a law, there will be more or less difficulty in the banks' contracting their loans, so as to be prepared to meet the drafts of the Treasury when this surplus shall be deposited with the States. The projectile force which has already been given to the community, by means of these funds, will continue to operate after the cause has ceased. But the period fixed in the bill for withdrawing them is so remote, that I apprehend no material difficulty in their being ready to carry out the arrangement.

Mr. President, the vote I am called upon to give on this bill I deem the most important I have ever given in my life. I have maturely considered it—it is the result of anxious reflection and deep conviction; and were I not supported by the very large majority of my political friends in this Senate, I might be led to distrust my own judgment; but with their support, my convictions are the stronger; and I can never persuade myself we are wrong. I think I see this matter as clear as the sun at noonday. My mind has a perfect conception of the evils to be encountered by the rejection of this bill, and of the benefits to be conferred by its adoption. There is no film upon the mental eye—my judgment tells me it is right—my conscience approves it. I have no inclination to indulge in prophetic vision; but I think I can discern in the long vista of the future the sad train of evils which must follow the adverse action of this day. I fancy I can see our currency deranged, our credit system overturned, and our country precipitated from that height of prosperity which she has so long enjoyed; but I will not appal you with an exhibition of those evils, which, like Banquo's ghosts, are lengthening out before us. The future historian, standing on the proud eminence which we now occupy, and looking into the dark abyss into which we may be plunged, will say, with Shakspeare's man on Dover Cliffs,

"How fearful
And dizzy 'tis, to cast one's eye so low!"

Sir, in giving my vote for this bill, if it is the last vote I ever give, I shall feel that I have faithfully and conscientiously discharged an important and responsible duty to myself and to the country.

When Mr. TALLMADGE had concluded—

Mr. WRIGHT made some remarks in explanation of several things that had fallen during the debate, and in opposition to the bill.

Mr. SHEPLEY said he had wished to state the reasons of his vote, but would take some other occasion, and hoped the question would be taken at once.

Mr. CLAY took the floor, and spoke at length in favor of the bill, and in general congratulation of the determination which seemed to pervade the Senate, without distinction of party, to check extravagant expenditures and provide for the safety of the public moneys.

Mr. NILES made a few remarks.

Mr. CALHOUN expressed a hope that the harmony of the debate would not be disturbed. He thought there was no mischief in the measure, and it was a mere measure of precaution.

Mr. WEBSTER called for the yeas and nays; which were ordered.

The question being taken on the passage of the bill, it was decided in the affirmative, as follows:

YEAS—Messrs. Buchanan, Calhoun, Clay, Crittenden, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Morris, Nicholas, Niles, Page, Porter, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Shepley, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, White—40.

NAYS—Messrs. Benton, Black, Cuthbert, Grundy, Walker, Wright—6.

The Senate then adjourned.

SATURDAY, JUNE 18.

TEXAS.

Mr. CLAY, from the Committee on Foreign Relations, to whom were referred the resolutions of the Legislature of Connecticut, and a number of memorials and petitions from various quarters, praying for the recognition of the independence of Texas, made the following report:

The Committee on Foreign Relations, to whom were referred resolutions of the Legislature of Connecticut, sundry memorials, and other proceedings of various meetings of the people, all recommending the recognition of the independence of Texas, has, according to order, had them under consideration, and now beg leave to submit to the Senate the following report and resolution:

The right of one independent Power to recognise the fact of the existence of a new Power, about to assume a position among the nations of the earth, is incontestable. It is founded upon another right—that which appertains to every sovereignty to take care of its own interests, by establishing and cultivating such commercial or other relations with the new Power as may be deemed expedient. Its exercise gives no just ground of umbrage or cause of war. The policy which has hitherto guided the Government of the United States in respect to new Powers has been to act on the fact of their existence, without regard to their origin, whether that has been by the subversion of a pre-existing Government, or by the violent or voluntary separation of one from another part of a common nation. In cases where an old established nation has thought proper to change the form of its Government, the United States, conforming to the rule which has ever governed their conduct, of strictly abstaining from all interference in the domestic concerns of other States, have not stopped to inquire whether the new Government has been rightfully adopted or not. It has been sufficient for them that it is in fact the Government of the country in practical operation. There is, however, a marked difference in the instances of an old nation which has altered the form of its Government, and a newly-organized Power, which has just sprung into existence. In the former case, (such, for example, as was that of France,) the nation had existed for ages as a separate and independent community. It is matter of history; and the recognition of its new Governments was not necessary to denote the existence of the nation; but, with respect to new Powers, the recognition of their Governments comprehends, first, an acknowledgment of their ability to exist as independent States, and, secondly, the capacity of their particular Governments to perform the duties and fulfil the obligations towards foreign Powers incident to their new condition. Hence, more caution and deliberation are necessary in considering and determining the question of the acknowledgment of a new Power than that of the new Government of an old Power.

The Government of the United States has taken no part in the contest which has unhappily existed between Texas and Mexico. It has avowed its intention, and taken measures to maintain a strict neutrality towards the belligerants. If individual citizens of the United States, impelled by sympathy for those who were believed to be struggling for liberty and independence against oppression and tyranny, have engaged in the contest, it has

been without the authority of their Government. On the contrary, the laws which have been hitherto found necessary or expedient to prevent citizens of the United States from taking part in foreign wars have been directed to be enforced.

Sentiments of sympathy and devotion to civil liberty, which have always animated the people of the United States, have prompted the adoption of the resolutions and other manifestations of popular feeling which have been referred to the committee, recommending an acknowledgment of the independence of Texas. The committee shares fully in all these sentiments; but a wise and prudent Government should not act solely on the impulse of feeling, however natural and laudable it may be. It ought to avoid all precipitation, and not adopt so grave a measure as that of recognising the independence of a new Power, until it has satisfactory information, and has fully deliberated.

The committee has no information respecting the recent movements in Texas, except such as is derived from the public prints. According to that, the war broke out in Texas last autumn. Its professed object, like that of our revolutionary contest in the commencement, was not separation and independence, but a redress of grievances. In March last independence was proclaimed, and a constitution and form of Government were established. No means of ascertaining accurately the exact amount of the population of Texas are at the command of the committee. It has been estimated at some sixty or seventy thousand souls. Nor are the precise limits of the country which passes under the denomination of Texas known to the committee. They are probably not clearly defined, but they are supposed to be extensive, and sufficiently large, when peopled, to form a respectable Power.

If the population is small; if, when compared with that of the United Mexican States, amounting, probably, to not less than eight millions of souls, the contest has been unequal, it has, nevertheless, been maintained by Texas with uncommon resolution, undaunted valor, and eminent success. And the recent signal and splendid victory, in which that portion of the Mexican army which was commanded by General Santa Anna, the President of the Mexican Government, in person, was entirely overthrown, with unexampled slaughter, compared with the inconsiderable loss on the other side, put to flight and captured, including among the prisoners the President himself and his staff, may be considered as decisive of the independence of Texas. That memorable event will probably be followed by negotiations which may lead to the acknowledgment by Mexico of the independence of Texas and the settlement of its boundaries. And, under all circumstances, it might, perhaps, be more conformable with the amicable relations subsisting between the United States and the United Mexican States, that the latter should precede the former in the acknowledgment of the independence of Texas. But if the war should be protracted, or if there should be unreasonable delay on the part of the Mexican Government, the Government of the United States ought not to await its action.

The recognition of Texas as an independent Power may be made by the United States in various ways: 1st, by treaty; 2d, by the passage of a law regulating commercial intercourse between the two Powers; 3d, by sending a diplomatic agent to Texas, with the usual credentials; or, lastly, by the Executive receiving and accrediting a diplomatic representative from Texas, which would be a recognition as far as the Executive only is competent to make it. In the first and third modes the concurrence of the Senate, in its executive character, would be necessary; and in the second, in its legislative character. The Senate alone, without the co-operation of some other branch of the Government, is not competent to recognise the existence of any Power.

The President of the United States, by the constitution, has the charge of their foreign intercourse. Regularly he ought to take the initiative in the acknowledgment of the independence of any new Power. But, in this case, he has not yet done it, for reasons which he, without doubt, deems sufficient. If, in any instance, the President should be tardy, he may be quickened in the exercise of his power by the expression of the opinion, or by other acts, of one or both branches of Congress, as was done in relation to the republics formed out of Spanish America. But the committee does not think that, on this occasion, any tardiness is justly imputable to the Executive. About three months only have elapsed since the establishment of an independent Government in Texas; and it is not unreasonable to wait a short time to see what its operation will be, and especially whether it will afford those guarantees which foreign Powers have a right to expect before they institute relations with it.

Taking this view of the whole matter, the committee conclude by recommending to the Senate the adoption of the following resolution:

Resolved, That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil Government, capable of performing the duties and fulfilling the obligations of an independent Power.

Mr. CLAY stated that the committee, he was happy to inform the Senate, had been unanimous in their sanction of this report. He did not know that it was very important that the resolution should be acted on at this session. Yet, as there might be gentlemen who would desire to give their views on the subject, he would move that the report be printed, and made the special order for Thursday next.

Mr. PRESTON, in a tone which did not reach the reporter, expressed his acquiescence in the motion, and his wish that a resolution offered by him some days since, calling on the President for a communication on the subject of any correspondence between him and the Government or agents of Texas, on the subject of the condition, administration, &c., of Texas, be taken up. The Senate would then be able to decide whether any further action was necessary.

Mr. CLAY said he hoped the resolution would be taken up. It would be very desirable to have the information which it asked for, in order to determine if any stronger measure was necessary than that now reported.

The motion of Mr. CLAY was agreed to.

The Senate then took up for consideration several private bills; after which,

On motion of Mr. BENTON, the Senate proceeded to the consideration of executive business; and, after some time spent in secret session,

The Senate adjourned.

MONDAY, JUNE 20.

The CHAIR presented the credentials of RICHARD BAYARD, elected United States Senator, by the Legislature of the State of Delaware, to fill the vacancy occasioned by the resignation of the honorable ARNOLD NAUDAIN.

Mr. BAYARD then appeared, and took the requisite oath and his seat.

BANKS IN FLORIDA.

Mr. WEBSTER, from the Committee on Finance, to which was referred a resolution [Mr. HUBBARD's] instructing the committee to inquire if the course pursued by the territorial Legislature of Florida, concerning the

incorporation of banks, did not require the interference of Congress, and into the number of banking institutions in Florida established within the last three years, reported that the committee had attended to this business, and had come to a decision that the state of the banking institutions does require the attention of Congress. He was, therefore, instructed to report a bill and joint resolution. It was certain that laws had been passed by the territorial Legislature which should be disapproved and annulled. There was no doubt that Congress had the power to disapprove or annul, although there might arise a question, in some cases, where the property to be acted on may have passed into the hands of a third person. Such had been the lax state of the legislation in Florida on this subject, that persons having capital had gone thither expecting that, by the passage of extraordinary laws with unusual privileges, they might use their capital with greater advantage. Mr. W. concluded with reporting—

An act to prohibit the passage of acts incorporating banks in Florida, without the sanction of Congress, and disapproving and annulling certain laws therein named;

A joint resolution disapproving of certain charters, &c.

The bill and joint resolution were read, and ordered to a second reading.

THE POST OFFICE.

Mr. GRUNDY moved the Senate to take up the bill to change the organization of the Post Office Department; and the motion being agreed to,

The question being on non-concurring with the committee in an amendment by which the 43d and 44th sections were inserted, it was agreed to.

Mr. GRUNDY then moved to strike out the 43d and 44th sections. [These are the sections which relate to the boxes in the post offices.]

Mr. DAVIS moved to amend the motion by inserting in lieu of these sections the following substitute:

Be it further enacted, That it shall be lawful for each deputy postmaster in the United States to erect and maintain in his office boxes for the accommodation of such persons as may apply for them, on the following conditions, and no other, to wit:

First. In each village, town, city, or place, containing, by the census of 1830, less than ten thousand inhabitants, each deputy postmaster may rent such boxes at any sum not exceeding one dollar each a year.

Second. In each village, town, or city, containing more than ten thousand and less than twenty thousand inhabitants, by the said census, each deputy postmaster may rent such boxes for any sum not exceeding one dollar and fifty cents a year.

Third. In each village, town, or city, containing, by said census, more than twenty thousand inhabitants, such deputy postmaster may rent such boxes for any sum not exceeding two dollars a year.

Fourth. The expense of erecting such boxes shall be defrayed out of the revenue arising therefrom.

Fifth. The several deputy postmasters shall keep a true account of all the proceeds arising from the rent of such boxes, and make return thereof with the other accounts of his office.

Sixth. The several deputy postmasters, except in the cities of New York and New Orleans, may, in addition to the other allowances made to them by law for their services, detain for their own use the revenue arising from said boxes, provided such revenue, when added to the other emoluments, shall not exceed the sum of thirty-five hundred dollars in a year; in which case the balance shall be paid as other revenues to the General Post Office.

Seventh. The deputy postmasters may detain in their respective hands from the revenue of said boxes until that, with their other emoluments, amounts respectively to four thousand dollars.

Mr. GRUNDY (his motion to strike out having precedence) explained his wishes to be to make a distinction in value between the boxes in villages and in large towns and cities. He wanted information to enable him to perfect a graduation of value, and he thought it would be best to wait for inquiry to be made by the Postmaster General, and the result to be communicated, before any permanent system be adopted. He was glad that a bill had been agreed on, and he hoped it would be passed.

Mr. EWING, of Ohio, expressed also his gratification that the bill had advanced so far, and he hoped it would be passed. But he thought that something more ought to be given concerning the postmasters than would be contained in the bill if these sections were stricken out. In that case the postmasters would be entitled to possess the perquisites which they have possessed hitherto. The amendment which the Senator from Massachusetts [Mr. DAVIS] proposed, gives to the postmasters at New Orleans and New York $4,000 each, and to all others $3,500, as the maximum of salary and perquisites; and he thought this a good plan, and would vote for it, and against the motion to strike out.

Mr. PRESTON made some observations in favor of connecting the individual interest with the box system. If the postmaster were required to keep these boxes *ex officio* for the public convenience, he would become indifferent, and less disposed to accommodation. As the postmaster came more in contact with the public than any other officer, it was desirable that a good understanding should exist between them. He dwelt on the necessity of having a responsible officer, who possessed the good will of the citizens, to conduct the post office in every place; and went into a calculation of the area required for a specified number of boxes, to show how the concession of this convenience to the public increased the amount of the rent and the labors of the office.

Mr. BUCHANAN said the subject was not well understood. There had been no complaint on the subject of these boxes. The effect of the amendment of the Senator from Massachusetts would be that in every village the postmaster may exact a tax of any amount not exceeding one dollar. In Philadelphia every one approved the present system; whoever wishes a box pays four dollars. The postmaster there has never rented more than 450 of them, and never received more in any one year than $1,350, making his total revenue from the office $3,500. The only objection advanced against the system is, that the postmasters at New York and New Orleans receive too much. This evil, if it exists, might be remedied without changing the system. The new scheme would derange, also, the condition of the Philadelphia post office. The postmaster could no longer be the ensurer of the Department for the merchants. He was willing to say that no postmaster shall receive more than $4,000, as he thought the postmaster at New York received too much.

Mr. PORTER stated that the postmaster at New Orleans did not receive too much. He reminded the Senate that postmasters were responsible for the letters in their custody; and concluded with stating that he preferred the amendment of the Senator from Pennsylvania, on account of its simple character, to that moved by the Senator from Massachusetts.

After a few words from Mr. GRUNDY,

Mr. DAVIS explained his proposition. He stated that in all cases where the population does not exceed 10,000, it is proposed to leave the boxes in the situation in which they had been placed by the House. If the population is from 10,000 to 20,000, the postmaster is authorized to charge $1 50. If the population exceeds

20,000, the price is to be fixed at $2. As regards New York and New Orleans, the proceeds of the office to the postmaster are not to exceed $4,000. He saw no danger of any diminution of convenience to the public from his proposed arrangement. He stated that there had been complaints of the present system, and that in New York, gentlemen residing out of the city were obliged to buy boxes, or were unable to obtain their letters as soon as those who possessed boxes. He said that a change was also required by the inordinate salaries given to some of the postmasters, which was far more than was paid to State officers of the first rank.

Other remarks were made by Mr. DAVIS, and the debate was continued by Mr. BUCHANAN. The question was then taken on the motion of Mr. GRUNDY to strike out, and was carried in the affirmative: Ayes 25.

Mr. DAVIS then moved to insert his substitute, and asked for the yeas and nays; which were ordered.

The question was then taken on the motion to amend, and was decided as follows:

YEAS—Messrs. Bayard, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Knight, Mangum, Moore, Prentiss, Robbins, Southard, Swift, Tomlinson, Webster—16.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Grundy, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Linn, McKean, Morris, Nicholas, Niles, Page, Porter, Preston, Rives, Robinson, Ruggles, Shepley, Tallmadge, Walker, Wall, White, Wright—28.

Mr. BUCHANAN moved the following amendment:

"*Be it enacted*, That each postmaster and deputy postmaster shall make quarterly returns of the amount received by him for the rent of boxes; and if the same shall exceed the sum of two thousand dollars per annum, he shall account for and pay over the excess."

Mr. GRUNDY opposed the amendment. He thought the postage on letters at present too high, and wished the subject to stand over until the whole subject should be considered at the next session. He wished the amendment could be withdrawn.

Mr. BUCHANAN declined to withdraw the amendment.

Mr. WEBSTER called for the yeas and nays; which were ordered.

Mr. CLAY said this matter of perquisites was inconsistent with the genius of our Government. He knew these perquisites existed, but he had never dreamt that the Senate would have been seriously engaged in regulating these perquisites. They might as well undertake to regulate the perquisites of custom-house officers. If a postmaster receives 1,000 dollars salary, and by means of his exactions can make another 1,000, the law is now to be changed so as to give him authority to do so. He was glad to find that the attention of the popular branch had been called to the subject, and that they had arrested this official abuse in the beginning.

Mr. GRUNDY said that the boxes had been established at Boston about forty years ago. He wished the subject to remain over until the next session.

Mr. DAVIS said this was a beginning of legal enactments on the subject, and he should, therefore, vote against the amendment.

The question was then taken on the motion of Mr. GRUNDY, and decided in the negative: Yeas 15, nays 29.

Mr. PORTER moved to amend the bill by introducing a provision that the Postmaster General shall keep all offers for contracts, &c., in a well-bound volume, &c., and reported to Congress and published.

The amendment was agreed to. The bill was then reported to the Senate as amended; the amendments were concurred in, and the bill was ordered to be engrossed, and read a third time.

The message of the President of the United States, returning the bill to fix the day for the annual meeting of Congress, &c., being the special order, was, on motion of Mr. CLAYTON, postponed till to-morrow, and made the special order for that day.

MILITARY ESTABLISHMENT.

On motion of Mr. BENTON, the Senate took up the bill to increase the military peace establishment of the United States.

[The bill proposes to increase the rank and file of the army to 10,524; and also proposes a considerable increase to the general staff, an addition of three paymasters, and a small increase of the medical staff.]

Mr. BENTON explained and advocated the bill.

Mr. CLAY said he had supposed that as no augmentation of the army could be of any service for the present Indian wars, which must terminate long before the recruiting could be completed, and as they had passed a law already to raise ten thousand volunteers, and an additional regiment of dragoons, that this bill would not be pressed. Considering the militia as the proper constitutional force for repelling all insurrections and invasions, and considering that the additional regiment of dragoons was a sufficient increase of the military peace establishment, he would, to try the sense of the Senate, move to strike out the first section of the bill.

Mr. LINN spoke against the motion at some length. He showed the urgent necessity there was for increasing the military force for the protection of our Indian frontiers, and quoted the opinions of the Secretary of War, and of General Jesup, in support of his argument.

The present frontier population of Missouri were very different from those hardy and warlike adventurers who conquered the valley of the Mississippi. They were generally persons in easy circumstances, who had emigrated from the East for the purpose of acquiring land for their growing families, and were more fitted for the pursuits of peace and industry than the hardships and dangers of Indian warfare. It was all-important to such to be able to pursue their usual avocations without the constant dread of savage aggressions. There was no doubt but they could conquer the Indians, but it would be after many fair fields had been made desolate, and many a widow would be weeping over her fatherless children. It would be a humane policy towards the Indians themselves, as well as justice to the frontier States, to have such a force as would prevent the possibility of an Indian outbreak. Mr. L. spoke of the warlike character of the Indians, the feelings of hatred and revenge they must necessarily indulge against the whites; and the facilities they have for forming combinations, in consequence of so many of them having been thrown into situations inviting intercourse on the borders of the frontier States—all of which powerfully argued the necessity of having a sufficient force to overawe them.

Mr. BENTON also opposed the motion. The increase of the army was not asked for, he said, in consequence of the present Indian wars going on in the South. It was a permanent increase of the army, called for by the situation of the frontier States, on whose borders the Government had placed, without their consent, such vast numbers of well-armed and well-supplied Indians. The increase now asked for would not make the army as full as it was in 1815, when there was far less occasion for a military force than now. Mr. B. asked for the yeas and nays on the question; which were ordered.

A discussion here followed, in which Messrs. CALHOUN, PORTER, WRIGHT, BENTON, and PRESTON, took part, relative to the additional expense that would be incurred by the proposed increase of the rank and file of the army.

Mr. CRITTENDEN supported the motion to strike

out the first section. He considered the increase of the army unnecessary to protect the frontiers against a broken, divided, and down-trodden race, so far subdued in spirit as to be removed from the homes of their childhood and the graves of their ancestors, without raising a hand. He denied that there was any probability of a combination of different tribes, they being more likely to quarrel with one another than with the whites. He thought too that an infantry force would not be available in Indian warfare, and that the two dragoon regiments now in the service were an ample protection. As to sudden outbreaks, he did not think, such was the Indian character, that all the force that could be raised would prevent them. He had all his life been well acquainted in Louisiana and Arkansas, and he had never heard of a white man being slain by an Indian there; and, with the exception of the Black Hawk war, there had been no bloodshed in Illinois and Indiana.

Mr. LINN replied to Mr. CRITTENDEN; and, after a further debate between Messrs. CALHOUN, PORTER, and CRITTENDEN, the question was taken on Mr. CLAY's motion, and it was rejected: Yeas 6, nays 26, as follows:

YEAS—Messrs. Clay, Ewing of Ohio, Kent, Knight, Prentiss, Southard—6.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Cuthbert, Goldsborough, Grundy, Hubbard, King of Alabama, Linn, Mangum, Morris, Nicholas, Niles, Page, Porter, Preston, Rives, Robinson, Ruggles, Tallmadge, Walker, Wall, White, Wright—26.

Mr. CALHOUN moved to strike out the 7th and 8th sections of the bill, providing for an increase of the medical staff, and for the appointment of three additional paymasters, on the ground that bills for this purpose had already passed the Senate, and been sent to the other House.

Mr. BENTON said he would insert a proviso that these sections should not take effect, provided the bills referred to become a law.

Mr. CALHOUN then withdrew his motion.

Mr. PRESTON, after some remarks on the provisions of the bill increasing the general staff, moved to strike them out. He preferred waiting till the next session of Congress, before increasing these branches of the service, when a plan would be submitted by the Secretary of War, containing all the information for them to act with a full understanding of the subject.

This motion was agreed to.

Mr. NICHOLAS moved to strike out the sections giving the franking privilege to the bureaus of the War Department, and authorizing the President to equip one regiment of infantry as a regiment of riflemen, and to direct certain officers to perform the duties of superior officers who may be absent. Mr. N. believed that the President possessed these powers already.

This motion was also agreed to, and the bill was ordered to be engrossed for a third reading: Yeas 26, nays 8, as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Cuthbert, Goldsborough, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Nicholas, Page, Porter, Preston, Rives, Robinson, Ruggles, Shepley, Tallmadge, Tipton, Walker, Wall, White, Wright—26.

NAYS—Messrs. Clay, Crittenden, Davis, Kent, Knight, Southard, Swift, Tomlinson—8.

PATENT OFFICE.

Mr. RUGGLES moved to postpone the orders to take up the bill to provide for the erection of a building for a Patent Office; which was agreed to.

Some debate took place on this bill, which proposes to expend $180,000 in the building of a Patent Office; but, before any question was taken,

On motion of Mr. CALHOUN, the Senate adjourned.

TUESDAY, JUNE 21.

MICHIGAN.

Mr. CLAYTON, from the Committee on the Judiciary, reported on the amendment made by the House of Representatives to the bill to provide for the execution of the laws of the United States in Michigan. The committee reported a disagreement with that amendment which fixes $1,500 as the compensation for the district judge of Michigan, and a recommendation that the salary be fixed at $1,800.

The motion to amend made by Mr. CLAYTON, in conformity with the instructions of the committee, was opposed by Mr. EWING; but, before any question was taken, in order to give time for further consideration,

On motion of Mr. CLAYTON, the bill and amendment were, for the present, laid on the table.

HUMPHREY MARSHALL.

Mr. CRITTENDEN moved to take up the report of the Committee on Pensions, adverse to the petition of Humphrey Marshall, of Kentucky.

Mr. CRITTENDEN offered the following amendment: to strike out, after the word "Resolved," the words "that the prayer of the petitioners ought not to be granted," and insert "that the petitioner is not entitled to pensions or allowances under both the acts of Congress of 7th June, 1832, and 5th July, 1832, but that there was no power in the accounting officers of the Treasury to detain the sums becoming due on pensions accruing to reimburse sums erroneously paid on the other."

A discussion ensued on this amendment, in which Messrs. CRITTENDEN, TOMLINSON, WHITE, and LINN, took part; when

Mr. CRITTENDEN said he must ask for a division of the question, as he could not vote for the first branch of the resolution, believing that the petitioner was entitled to both pensions.

A division was accordingly ordered; and the question being on the first branch of the amendment, it was carried by the following vote:

YEAS—Messrs. Clay, Cuthbert, Ewing of Ohio, Goldsborough, Grundy, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Knight, Linn, Mangum, McKean, Morris, Niles, Page, Prentiss, Robbins, Robinson, Ruggles, Shepley, Swift, Tomlinson, Walker, Wall, White, Wright—28.

NAYS—Messrs. Black, Brown, Crittenden, Nicholas, Porter, Rives—6.

The question was then taken on the second branch of the amendment, and it was rejected: Yeas 15, nays 23, as follows:

YEAS—Messrs. Bayard, Clay, Clayton, Crittenden, Goldsborough, Hendricks, Hubbard, Kent, Linn, Nicholas, Niles, Porter, Robbins, Webster, White—15.

NAYS—Messrs. Black, Brown, Cuthbert, Davis, Ewing of Ohio, Grundy, Kent, King of Alabama, Knight, McKean, Mangum, Morris, Page, Prentiss, Rives, Robinson, Ruggles, Shepley, Swift, Tomlinson, Walker, Wall, Wright—23.

The report of the committee was then concurred in.

MILITARY ESTABLISHMENT.

A bill to increase the present military establishment of the United States was read a third time, and passed.

[This bill, as it has been amended, provides that there shall be added to each company of artillery of the army one sergeant-major, one quartermaster-sergeant, two corporals, and twenty-seven privates; and to each com-

pany of infantry one sergeant-major, one quartermaster-sergeant, one sergeant, two corporals, and thirty privates; and to each company of dragoons one sergeant-major, one quartermaster-sergeant, and one saddler. The present regimental sergeants-major and quartermaster-sergeants, and first sergeant, to be discontinued, and in lieu thereof there shall be appointed, for each regiment, two sub-adjutants, with the rank, pay, and emoluments of cadets. The bill further authorizes the President to assign to any officer of the army, when necessary, the duties of paymaster; and provides that five additional surgeons and ten additional assistant surgeons to the army be appointed. The bill also authorizes the President, when deemed expedient, to cause one of the regiments of infantry to be armed and equipped and to serve as a regiment of riflemen, and another regiment to be equipped and to serve as a regiment of light infantry.]

NAVY OF THE UNITED STATES.

The bill for organizing the navy of the United States was taken up and read the second time as in Committee of the Whole.

Mr. LINN inquired what would be the additional expenditure by the proposed increase of officers and with the additional grades.

Mr. SOUTHARD replied that it would be difficult to answer the question put by the honorable Senator from Missouri. Some grades hitherto unknown to the service were added, and, consequently, the compensations had not been provided for, it being the opinion of the naval committee that the bill for the organization of the navy should be kept separate from the pay of its officers. The increased expense, however, would not be great; but if this bill passed, it would then be necessary to pass a bill fixing the pay of the increased grades.

The object of the bill was for the first time to give an organization to the navy, as there was no law fixing the number of its officers, their rank, or for prescribing the mode of passing from one rank to another, although the navy had been forty years in existence. There was also no other authority by which officers came into the navy but the appointments of the President and the confirmation of the Senate. The President might to-day appoint one hundred captains, and the Senate might confirm them, and there would be no law violated. The first feature in the bill was to fix the time and description of persons to come into the navy, which was now a matter of executive discretion. A lad, if he comes into the navy as a midshipman, if he behaves himself, becomes, in the process of time, a captain, though there is no law by which he is appointed. Children at the breast had been known to be appointed as midshipmen, as also men of 24 or 25 years of age.

The committee thought it better to regulate by law the age at which boys should enter the navy, and had fixed it at between the ages of fourteen and eighteen; though it was proper to observe that this was the rule at present existing in the navy on that subject. It was also provided that the midshipmen shall be taken from all the States of the Union, as nearly as possible in equal proportions, so that every State shall feel an equal interest in the navy. Two or three additional grades were put into the bill, through which the midshipman is to pass, in order that he may be well acquainted with every branch of the service by the time he comes to command a vessel.

Mr. S. then explained the principles on which the officers of the navy are to be promoted. With regard to the non-combatant officers, it was difficult to fix their rank by law, and that matter was therefore very appropriately left, for the present, to the Executive.

It would be proper for him to say something with regard to the grade of admiral, created by this bill, which had not heretofore existed in the service. The bill proposed to create the additional grades of admirals, vice admirals, and rear admirals, with this limitation, that there shall not be appointed more than a certain number of them. He knew that there were difficulties existing about this grade. There were feelings which were always brought into operation when admirals were mentioned. They were assimilated to an order of nobility, because the same rank was held by many noblemen in the British naval service. But such ought not to be the feelings in this country; for the grade of admiral was connected with our revolutionary history. The first resolutions of the revolutionary Congress on the subject of a navy was, to create admirals. But what was there in this rank to excite so much jealousy? It was nothing more than the rank of brigadier general; and what difference was there between a brigadier general at sea, and a brigadier general on land. There was no more a title of nobility in one than in the other. It was merely the creation of additional officers, because the creation of additional services demanded it.

It was in vain to talk of managing fleets and squadrons, commanded by a captain of the same grade with those commanding the other vessels in it. Every principle of discipline forbids it. There was a necessary intercourse between our ships and those of foreign nations, We had now a navy, which was respectable, and we must give to that right arm of the defence of the country whatever was necessary for its discipline and efficiency. This they must and ought to do. When our vessels are abroad, their commanders meet with officers commanding the vessels of foreign Powers of a higher rank than themselves, and they feel of course mortified at the difference. Why should this be so? Should our vessels serve in a combined squadron with those of foreign Powers, our flag must be degraded. Why should it be so? If there was ever a time when the grade of admiral should be created in the service, that time had now arrived. There were men in the navy who had been at sea for twenty years. [Mr. S. here paid a handsome compliment to the skill and gallantry of the officers of the navy, contending that this additional rank was due to them, as well as to the best interests of the service.] Under all circumstances, to do justice to our officers, and to make the navy, whose interests all had so deeply at heart, efficient as well as respectable, he hoped that the whole bill would pass.

Mr. BUCHANAN had not supposed that, within a week or ten days of the end of the session, this bill would be taken up with the purpose of seriously acting on it. It was a matter of deep importance, and required mature consideration, and as the Senate was thin, he thought that it had better be postponed. He did not mean to be understood as saying any thing in disparagement of the officers of the navy. Their country owed them a deep debt of gratitude, and their skill and gallantry would do honor to any service. But, for considerations of this kind, ought they to be hurried into a measure of such great importance at this late period of the session, when there was no time allowed for sufficient discussion or investigation? In order to have some idea of the importance of this bill, he would compare the number of officers it provided for with the number now in the navy. We have now, said he, thirty-nine captains, and, instead of them, this bill proposed fifty-five captains, nine commodores, and seven admirals. We have now forty masters commandant, and this bill proposes to increase the number to seventy five. So that this bill will make the number of admirals, commodores, captains, and commanders, one hundred and forty-six. We have now two hundred and fifty-eight lieutenants, and under this bill there will be three hundred and fif-

ty-eight first and second lieutenants, adding one hundred. The passed midshipmen were much more numerous at present than was proposed by the bill. He would say nothing more as to this part of the bill. It was sufficient to show its importance, and the impossibility of treating it properly at this late period.

At the last night of the last session they passed a bill increasing the pay of the officers of the navy; and he never gave a vote with more reluctance than he did when he voted against that bill. Subsequent reflection, however, had confirmed his convictions of the propriety of the vote he gave on that occasion. He expressed his opinion then, and he thought now, that the pay of the highest officers, considering the expenses they were subjected to on foreign stations, was fixed too low, while that of the intermediate grades was too high. The pay of the midshipmen, if they had any inclination for dissipation, was enough to ruin them. He stated his objections then, but was overruled by the arguments of the Senator from New Jersey, who contended, as now, that it was to secure the discipline and efficiency of the navy.

For one he was not disposed to give his vote on so important a measure as this, at this late period of the session. It was obvious that it could not pass both Houses without occasioning much debate; and the session was too far advanced now to engage in it. In order to try the sense of the Senate, he would move to lay the bill on the table; and if this motion should not prevail, he would then offer some amendments.

After a few additional observations from Messrs. SOUTHARD and BUCHANAN, the question was taken, and the bill was laid on the table, by the following vote:

YEAS—Messrs. Brown, Buchanan, Calhoun, Clay, Cuthbert, Hendricks, Hubbard, King of Alabama, King of Georgia, Mangum, Page, Rives, Robinson, Ruggles, Shepley, Tipton, White, Wright—18.

NAYS—Messrs. Bayard, Benton, Black, Davis, Ewing of Ohio, Goldsborough, Kent, Knight, Leigh, Linn, Nicholas, Preston Robbins, Southard, Swift, Webster—15.

After taking up, considering, and ordering several bills to a third reading, the Senate went into the consideration of executive business; after which,

Adjourned.

WEDNESDAY, JUNE 22.

PAPER CURRENCY.

A resolution submitted by Mr. BENTON, directing the Secretary of the Treasury to inquire of the deposite banks, and other banks of good credit, whether, in the event of their continuing or becoming the depositories of the public money, they are willing to relinquish the circulation of notes less than ten dollars, and to promote the gold currency, was considered in its order.

The resolution was opposed by Messrs. EWING of Ohio, WEBSTER, and WALKER, and supported by Messrs. BENTON, NILES, and MANGUM; and,

On motion of Mr. MANGUM, the resolution was, for the present, laid on the table.

PUBLIC DEPOSITES.

A message was received from the House of Representatives, by Mr. FRANKLIN, their Clerk, stating that the House had passed the bill from the Senate "to regulate the deposites of the public money," with an amendment, in which they request the concurrence of the Senate.

The amendment is as follows:

Strike out the thirteenth section, and insert, in lieu thereof, the following:

SEC. 13. *And be it further enacted*, That the money which shall be in the Treasury of the United States on the 1st day of January, 1837, reserving the sum of five millions of dollars, shall be deposited with such of the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall by law authorize their treasurers, or the competent authorities, to receive the same on the terms hereinafter specified; and the Secretary of the Treasury shall deliver the same to such treasurer, or other competent authorities, on receiving certificates of deposites therefor, signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid, which certificate shall express the usual and legal obligations, and shall pledge the faith of the State for the safe-keeping and repayment thereof, and shall pledge the faith of the States receiving the same to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury, for the purpose of defraying any wants of the public Treasury beyond the amount of the five millions aforesaid: *Provided*, That, if any State declines to receive its proportion of the surplus aforesaid, on the terms before named, the same shall be deposited with the other States agreeing to accept the same on deposite, in the proportion aforesaid: *And provided, further*, That, when said money, or any part thereof, shall be wanted by the said Secretary, to meet the appropriations made by law, the same shall be called for in ratable proportions, within one year, as nearly as conveniently may be, from the different States with which the same is deposited, and shall not be called for in sums exceeding ten thousand dollars, from any one State, in any one month, without previous notice of thirty days for every additional sum of $20,000 which may at any time be required.

The amendment being read,

Mr. CALHOUN moved to lay it on the table for examination; which motion, after a few words from Mr. WEBSTER, was agreed to.

[The amendments of the House to the bill granting lands to the State of Alabama, for the purposes specified therein, was taken up, and concurred in.]

On motion of Mr. CALHOUN, the Senate proceeded to consider the amendment to the deposite bill.

Mr. CALHOUN moved that the Senate concur in the amendment.

Mr. WEBSTER expressed his acquiescence, but said he should have preferred the bill as it went from the Senate, as it was then in a form which disconnected it most completely from the State Governments. For other reasons, also, he would have preferred the bill as it went from the Senate.

Mr. MORRIS objected to the motion to concur, as he thought the amendment by which the States were bound to repay the deposite on the demand of the General Government very exceptionable, and likely to lead to serious abuses. He would rather give the money exclusively to the States than vote for this amendment. He hoped the amendment would be printed. He was opposed to all compromises, where right and principle were involved.

Mr. BUCHANAN said we had arrived at that point when we must accept the amendment, or leave the money in the deposite banks for another year. Whatever he thought of the amendment, he was not prepared to meet this responsibility. The House objected to the Senate bill, that it placed the money in the State treasuries, not as a public deposite, because the Federal Government did not reserve the power to reclaim the money at any time, and that this was not a constitutional mode of depositing. The bill was amended to obviate the objection, and he hoped the amendment would be concurred in.

Mr. CALHOUN said the principle of the bill had not been changed, and he hoped the Senate would come to a vote. No Secretary of the Treasury will ever call for this money.

Mr. CLAY deemed the bill as amended better than it was before, because it now contained a restriction on the Treasury in calling in the money, so that it would not be in the power of the Treasury to distress the banks. He also understood that the amendment would quiet constitutional scruples somewhere, and he was was himself disposed to respect and quiet scruples of that kind any how and any where.

Mr. CLAYTON expressed his preference for the bill in its amended form to the original bill.

Mr. WHITE suggested that, as the operation of a law of the States was rendered necessary by the amendment, and as the Legislature of Tennessee met but once in two years, this State might have the benefit. He wished that no State should be deprived of the benefit until her Legislature should have been in session. He would have preferred the bill as it went from the Senate.

Mr. WEBSTER thought that the original bill was liable to the same objection, and that the amendment did not make the difficulty greater.

Mr. EWING, of Ohio, would have preferred the bill as it went from the Senate, because he thought the certificate system the best mode of reclaiming the deposites. Still he would vote for the amendment, although it put it in the power of the States to evade the payment, should any of them be disposed to evade, which he did not expect would be the case.

Mr. WHITE remarked that the difficulty he had suggested might be avoided by the introduction of an amendment to the amendment of the House.

Mr. CALHOUN said that few, if any, of the Legislatures would be in session before the 1st of January, when the bill will take effect.

Mr. MORRIS said his great objection to the amendment was, that it created the relations of debtor and creditor between the Federal and the State Governments. The money is placed in the banks by agreement, but there could be no bargaining with the States.

Mr. BENTON said he should vote against the amendment.

Mr. KING, of Alabama, did not approve of the amendment; but, thinking it necessary to provide for placing the revenue in greater security than that in which it now stands, he would surrender his objections.

Mr. WHITE said, on examination, he found that his objections had abated, and he should not oppose the amendment.

The amendment was then concurred in.

ADJOURNMENT VETO.

The Senate proceeded to the consideration of the message of the President of the United States, returning the bill to fix the day for the annual meeting of Congress, with his objections thereto.

The question being on the passage of the bill, the objections of the President thereto to the contrary notwithstanding, a debate ensued, in which Mr. CLAYTON, Mr. WEBSTER, Mr. PRESTON, Mr. BAYARD, Mr. CLAY, Mr. LEIGH, Mr. CALHOUN, against, and Mr. RIVES and Mr. SHEPLEY in favor of the opinion of the President, participated.

The bill was then laid on the table, at the suggestion of Mr. MORRIS, until to-morrow.

FLORIDA BANKS.

On motion of Mr. WEBSTER, the Senate proceeded to consider the bill reported by the Committee on Finance, to disapprove and annul certain acts of the Territorial Legislature of Florida, and for other purposes.

This bill was accompanied by the following report:

The Committee on Finance, who were directed by a resolution of the Senate, passed on the 21st of May, 1836, "to inquire into the character, condition, and amount of capital, of the several banking institutions which have been chartered within the last three years by the Territorial Government of Florida, and to make report to the Senate whether, in their opinion, any legislation on the part of Congress is necessary, in order to disaffirm the establishment of said charters, have had that subject under consideration, and report:

That, in order to obtain full information upon the matters referred to it, the committee directed its chairman to move a resolution in Senate requesting the Secretary of State to transmit to the Senate, so soon as they might be obtained, copies of all acts of the Territorial Legislature of Florida incorporating banks or other institutions with banking powers.

Sufficient time has not elapsed to enable the Secretary to obtain authenticated copies of these laws; but, inasmuch as the committee has thought it important that the attention of Congress should be drawn to the propriety of adopting some law in regard to the subject, at the present session, it has obtained, from other quarters, such information as it supposed might be relied on, and it is prepared to submit a bill to the consideration of the Senate.

By the act of the 30th of March, 1832, "for the establishment of a Territorial Government in Florida," it is prescribed that the legislative power shall be vested in the Governor, and in thirteen of the most fit and discreet persons of the Territory, to be called the Legislative Council.

The legislative powers of this Council are to extend to "all the rightful subjects of legislation," with certain exceptions enumerated in the law. It is made the duty of the Governor, on or before the 1st day of December in each year, to report to the President of the United States all the laws made by the Legislative Council, to the end that they may be laid before Congress, and any of those laws which may be disapproved by Congress shall thenceforth be of no force. There appears nothing in the act of Congress restricting the Legislative Council from granting charters to banks, and other institutions with banking powers. On the other hand, there is no limitation, in point of time, upon the authority of Congress to disapprove and annul the acts of the Legislative Council.

The power of creating such corporations is capable of abuse, and the acts passed in the Territory are so likely, ordinarily, to escape the attention of Congress, unless, for some particular reason, that attention be invited to them, that the committee are of opinion that no act of a Territorial Legislature incorporating a bank, or other institution with banking privileges, ought to be allowed to have any effect at all until approved by Congress; and in the bill which is reported, a provision is inserted intended to alter the power of all the Territorial Legislatures, in this respect, as to all future cases.

It would appear that charters were granted several years ago, by the Territorial Legislature of Florida, incorporating the Bank of Florida, at Tallahassee; the Bank of Marianna; and the Bank of Magnolia. But it is represented to the committee that these banks have all surrendered their charters, and closed their concerns. There appear to be two banks at Tallahassee: one called the Central Bank of Florida, the charter of which the committee have not been able to obtain, and all the information they have respecting it is contained in a statement of its condition, published in April last, which is herewith communicated. The other is called the Union Bank of Florida, and was created by act of the 13th of February, 1833. It has a capital of one million of dol-

lars, with a power of increasing it to three millions, which capital is to be raised by means of a loan, on the faith of the Territory, by the directors of the bank. It has also an unlimited power of establishing branches in the Territory of Florida.

So far as the committee learn, the capital of this bank is at present one million only, which was obtained on bonds, purporting to be guarantied by the Territory, and is said to be all loaned to planters in the Territory.

As this act was passed in February, 1833, it must be presumed to have been known to Congress at the commencement of its session, in December of that year. Two sessions, therefore, have elapsed since the period when Congress, in the ordinary course of things, would become acquainted with its provisions. And although these provisions are, in the judgment of the committee, highly objectionable, and such as no charter ought to have embraced, yet, inasmuch as Congress has forborne, for so long a period, to exercise its undoubted right of disapproving the charter, it may be doubtful whether such exercise of its authority would be now expedient. On the 19th of January, 1831, a bill passed the Legislative Council to incorporate a bank by the name and style of the Bank of Pensacola. This bill was rejected by the Governor, but was afterwards passed by the requisite majority of the members of the Legislative Council, and so became a law. Several acts, supplementary to and amendatory of the forementioned law, were subsequently passed, and are herewith communicated.

This bank was originally a bank with a capital of two hundred thousand dollars; and the committee perceive nothing unusual or extraordinary in the powers which are granted to it. This capital does not appear to have been immediately subscribed or paid in, nor are the committee informed when the bank began its operations.

On the 13th of February, 1835, an act passed the Territorial Legislature, entitled "An act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said bank, and for other purposes."

By this act the bank is authorized to increase its capital to two millions five hundred thousand dollars, with a power to establish branches at pleasure in West Florida, and one branch in Marianna. It is also authorized to buy shares, to any amount the directors see fit, in the Alabama, Florida, and Georgia Railroad Company; and, in order to enable the bank to make this purchase, the bank is authorized to issue bonds to the amount of five hundred thousand dollars, which bonds shall be guarantied by the Territory, and the form of guarantee is prescribed; and as the bank may have occasion for further funds, in order to pay instalments on its railroad stock, it is to issue other bonds, to be guarantied in like manner by the Territory. This act, it would appear, was laid before Congress on the 3d day of March last, being the last day of the session. A copy is herewith communicated.

On the 14th of February, 1835, an act passed the Legislative Council, and was approved by the Governor, entitled "An act to incorporate the Southern Life Insurance and Trust Company." This company is to be located at St. Augustine. Some of its powers are thus described:

"SEC. 2. The said company shall have power, 1st, to make ensurance on lives; 2d, to grant and purchase annuities; 3d; to make any other contingent contracts involving the interest of money and the duration of life; 4th, to receive moneys in trust, and to accumulate the same, at such rates of interest as may be obtained or agreed on, not exceeding at the rate of eight per cent. per annum, or to allow such interest thereon as may be agreed on; 5th, to accept and execute all such trusts, of every description, as may be committed to them by any person or persons whatsoever, or may be transferred to them by order of any of the courts of this Territory, or by any court as a court of chancery; 6th, to receive and hold lands under grants, with such general or special trusts or covenants, so far as the same may be taken in payment of their debts, or in security of their capital or loans, or debts due them, or purchased upon sales under any law of this Territory, as may be necessary to protect the rights of the said company, and the same again to sell, convey, and dispose of; 7th, to buy, discount, and sell drafts, promissory notes, and bills of exchange; 8th, to establish and locate branches for carrying on their business."

The capital stock is two millions, and may be increased to four millions of dollars; and the whole capital is to be loaned on bonds or notes, secured on real and personal estate in the Territory of Florida. The powers of the company are to be exercised by a board of trustees, to consist of ten persons, and so classed as that the term of service of two of them shall expire at the end of each successive period of two years, being, in effect, an election of ten years, but with a power in the court of appeals, in the Territory, to remove a trustee for misbehaviour.

The company has power to issue bills or notes, other than drafts or bills of exchange, to the amount of capital actually paid in; and "to enable the said company to make loans and discounts beyond the amount of their capital, to be paid in by the stockholders as aforesaid, they may issue certificates of one thousand dollars each, bearing not more than six per cent. interest, redeemable within the range and limit of the charter, at such times as the Governor and the company may agree on, and present the same to the Governor or acting Governor of this Territory, whose duty it shall be to endorse thereon, 'Guarantied by the Territory of Florida,' and sign his name and title of office thereto, and return the same to the said company; and the faith of the said Territory is hereby pledged as security for said company, for the faithful payment of such certificates, according to the tenor and effect of the same. But no greater amount of certificates shall be, at any time, endorsed, than may be equal to the debts placed under mortgage to the company at the time of making application, to be secured after the mode and in conformity to the manner pointed out and directed in the sixth section of the act."

The last two sections of the act are as follows:

"SEC. 25. This law shall remain unalterable, without the consent of the trustees of the said company, until the expiration of fifty years from its passage; nor shall it, at any time hereafter, be so altered as to prevent the execution by the company of any subsisting contract."

SEC. 26. This shall be taken and received in all courts, and by all judges, magistrates, and all other public officers, as a public act, and shall receive, on all occasions, a favorable construction; and all printed copies of the same, which shall be printed by, or under the authority of, the Legislative Council, shall be admitted as good evidence thereof, without any other proof whatever."

As this act was passed on the 14th of February last, it could not have reached Washington in season for its consideration by Congress at any time during the last session.

The committee hardly deem it necessary to remark, at any great length, on the extraordinary nature and provisions of the act for increasing the capital of the Bank of Pensacola, and this act incorporating the Southern Insurance Company. The acts themselves are now brought to the attention of the Senate, and their nature and provisions are clearly seen. But the committee are of opinion that both these territorial laws were highly

imprudent, that they ought not to have been passed; and they submit to the Senate whether they ought now to be suffered to be carried into effect, without proper amendments, as shall reduce the amount of their capital, especially that part which is contingent, abridge and reform the grants of extraordinary powers, and take away the guarantee of the Territory from their bonds and contracts; or, at least, from all bonds and contracts which have not been issued and sold, and passed into the hands of bonafide holders, before the day of the date of this report.

But it is not for Congress to make these amendments, though it should deem them necessary. The power of Congress is a simple power of disapproving the whole acts: and if nothing had been done under them, the committee would not hesitate to recommend such disapproval. Nor do they mean to say that such disapproval would be unjust; because Congress has had no earlier opportunity to examine these laws, and to act upon the question of annulling them; and it is hardly to be presumed that prudent men have ventured far, under such a charter, granted by a Territorial Legislature, whose acts were well known to be subject to the revision of Congress.

But it is competent for the Territorial Legislature, with the consent of the corporations, to amend the charters in any manner deemed proper; and the resolution which the committee report to the Senate, in relation to these two acts, will show that, in the judgment of the committee, it is expedient to give the corporators an option and an opportunity to obtain proper amendments to their charters, if they see fit.

In the session of 1836, the Territorial Legislature appear to have passed the following acts:

An act to incorporate the Bank of St. Joseph's, capital one million of dollars, and may be extended to two.

An act to incorporate a Florida Insurance and Banking Company, capital one million of dollars, and may be increased to two.

An act to incorporate the St. Joseph's Insurance Company, with a capital of one million of dollars, and may be increased to two millions.

The committee entertain no doubt that these three last-mentioned acts ought to be altogether disapproved and annulled.

Mr. WEBSTER gave a sketch of the history of the Florida legislation in reference to the incorporation of banks, and of the character of the charters which had been granted; after which,

The bill was ordered to be engrossed for a third reading.

The Senate then took up the joint resolution, reported by the same committee, respecting certain acts of the Territorial Legislature of Florida; which was considered, and also ordered to be engrossed for a third reading.

[This resolution provides "that the act of the Territorial Legislature of Florida, passed on the 14th of February, 1835, and entitled 'An act to increase the capital of the Bank of Pensacola, and to amend the laws incorporating said bank, and for other purposes,' and the act of the same Legislature, passed on the 14th of February, 1835, and entitled 'An act to incorporate the Southern Life Insurance and Trust Company,' ought not to be suffered to remain in force with the provisions which they at present contain; nor unless they be amended by a proper reduction of the amount of capital; by a proper abridgment and reformation of the powers granted; and by taking away the guarantee of the Territory from their bonds and contracts, or at least from all such bonds and contracts as have not been actually issued and sold, and passed into the hands of bonafide holders, before the 20th day of June, 1836."

On motion of Mr. CLAYTON, the Senate proceeded to the consideration of executive business.

After taking up and acting upon several private bills,

The Senate adjourned.

THURSDAY, JUNE 23.

NORTHEASTERN BOUNDARY.

Mr. CLAY stated that the Committee on Foreign Relations had examined the correspondence which had passed between the Governments of the United States and Great Britain, for the settlement of our northeastern boundary. It had been referred, it would be recollected by the Senate, for the sole purpose of ascertaining whether it might be published without prejudice to the public interests. The committee, thinking that the opinion and wishes of the Senators from the two States of Maine and Massachusetts, more immediately interested, ought to have controlling influence on the question of publication, had afforded them an opportunity of examining the correspondence, and they all concurred in believing it might be safely published.

The negotiation has not entirely closed, although the committee regret to find that it does not promise to result in any satisfactory adjustment of the boundary question. Various endeavors, during the progress of the correspondence, to accomplish that desirable end, have failed of success. Under all the circumstances, the committee believe that much more mischief might be done from misconception and misrepresentation of what has been attempted, by withholding the correspondence from the public, than by a publication of it. The committee, therefore, concur in opinion with the Senators from Maine and Massachusetts, that it is expedient to publish it.

Mr. C. accordingly moved that it be published; which was ordered; and, upon the motion of Mr. SHEPLEY, three thousand copies were ordered.

JOSEPH GRANT.

On motion of Mr. KNIGHT, the bill to extend the patent right of Joseph Grant, for making hat bodies, was taken up.

Mr. KNIGHT rose and addressed the Chair as follows:

Mr. President, this is an application of Mr. Grant for the renewal of a patent for his invention of a machine for making hat bodies. The history of the case, as I understand it, is this: Mr. Grant, some eighteen or twenty years ago, was a journeyman hatter, laboring every day to obtain sustenance for himself, wife, and family—a poor man, possessing nothing but his hands whereby he could obtain a livelihood. His business led him to the contemplation of the mechanic arts. Knowing the great labor of forming what is called the hat body, he determined, if possible, to invent something that should alleviate that part of his business. After much time and study, and many experiments, he brought forth the machine for which he now asks the extension of his patent. After he had invented it, he had not the means of putting it in operation. He showed it to several persons, and solicited their aid; but, for various reasons, none had sufficient confidence in his invention to aid him in his designs. A Baptist preacher, I believe, some connexion of Mr. Grant's, also poor, but well-informed, inspected it, and had confidence in it. He undertook, with the inventor, to carry into operation the new machine. These two men, both without property, after much trouble and perplexity, started the machine, and, to the astonishment of every body, saw the fulfilment of their expectations. They continued their business for some time, when the gentleman associated with Mr. Grant, finding it required more capital to carry on the business than they possessed, sold out to a gentleman

who was willing to advance a sufficient capital to give the machine a fair trial. They proceeded in their business, when, from some cause to me unknown, it was discovered the patent of Mr. Grant was void—that it did not, in fact, cover the invention. He then applied for a new patent, and a new one was made out, of the same date as the former patent. This date was taken, not, as I understand, by the request of the patentee, but by some fixed rule of the Patent Office. They continued their business until they discovered the market was full of hat bodies, made by machinery similar to the invention of Mr. Grant. He then endeavored to seek out the violators of his patent right. He did so, and found some of them in operation. With some he compromised; others refused, and he was compelled to prosecute them; and, after expending a large sum of money in the prosecution of those trespassers on him, he obtained judgment against them, which they were not able to pay. I understand, from the papers now before the Senate, that he expended about fourteen thousand dollars, and received about twenty-one hundred, leaving a balance of expenses against him of about twelve thousand dollars. These were not the only violators of his patent; a model of it was taken to Germany, and put in operation there, and hat bodies shipped to this country. At that time the hat body was not known in the tariff laws, and they entered into our markets, in competition with the patentee, almost without a duty. This machine is considered one of the most useful inventions that has ever been made in this country; considering its simplicity, the little expense to make it, and the labor it performs, it may be placed among the first class. The cotton gin, and the machine for making card teeth and cards, may be before it; but I do not recollect any other superior in usefulness. It performs the labor of thirty men, with very little cost, compared with the manual labor. I am informed it makes two hundred and fifty hat bodies per day, when a good workman makes but nine. Had Mr. Grant lived in Georgia or Carolina, they would have given him a fortune for his invention, as they did the inventor of the cotton gin; or had he lived in England, he would have been placed by the side of Sir Richard Arkwright, and the other great inventors of that country; but here he has been trespassed on, his rights violated, and that which was his own, and should have been secured to him, has been taken from him. And when he asks a renewal of his patent for the time that was lost to him, so as to make out his fourteen years, he is told his invention, his own property, has become the vested rights and property of others, and to grant him this patent is a destruction of these vested rights; and that the time has gone by for a renewal of the patent.

Mr. President, how are the facts? Before Mr. Grant's patent had expired, he gave notice, according to law, in several newspapers which are now on your table, that he intended to apply to Congress for a renewal of his patent. This was in the year 1834; his patent did not expire until August, 1835. He did apply in December, 1834, and the Senate passed the bill extending his patent, and sent it to the other House, but the mass of business before that House at the last session prevented their acting on it. He has continued his application to the present time; and if any persons have seized on this machine since the expiration of his patent, they have done it since last August, and in full knowledge of all these facts. The patent to Oliver Evans, for manufacturing flour and meal, expired on the 7th of January, 1805, and he applied for the renewal of his patent on the 31st December of the same year, about one whole year after the expiration of his patent. His patent was renewed. I have been informed that exceptions to the renewal were taken to the Supreme Court of the United States, and that court decided in favor of the renewal of the patent. These are the facts of this case as I understand them, and I leave it to the Senate to decide as they think proper.

Messrs. WALL and NILES opposed it; after which, it was laid on the table.

HOUR OF MEETING.

Mr. SOUTHARD submitted a resolution providing for the meetings of the Senate, for the remainder of the session, at ten o'clock, A. M., and that the Senate take a recess from two to four o'clock.

Mr. KING, of Alabama, said he had no objection to meeting at ten o'clock, but he objected to the recess; and therefore asked for a division of the question.

Mr. PRESTON also opposed the recess.

Mr. WEBSTER moved to lay the resolution on the table; which was carried.

PATENT OFFICE.

The bill to provide a building for a Patent Office being read a third time, and the question being on its passage,

Mr. CLAY objected to the passage of the bill. He thought that the total expenditure required, according to the plan proposed, would be 400,000 or $500,000. Four millions of brick would be required by this bill, and that quantity could not be supplied this season. He wished to know what had become of the project of purchasing the building northeast of the Capitol square. The House of Representatives had been better accommodated in that building than any where else, and it appeared to be particularly well adapted for a Patent Office. But, if a splendid edifice must be built, it would be well to wait till another session, and pass a bill at a time when there might be a collection made of sufficient materials.

Mr. RUGGLES stated that the building referred to would require to be rebuilt before it could be used for any purpose, and even then it would not be more fit for the Patent Office than the building now occupied. He stated what was the crowded condition of the Patent Office at present, numbers of valuable models being crowded into the cellar. It had become absolutely necessary that the Post Office should have the whole of the building now occupied by the Patent Office. He also stated that there would be a convenient arrangement in the new building for the exhibition of manufacturing models.

Mr. CLAYTON complimented the Senator from Maine for the labor he had employed in the investigation of the Patent Office; but stated that he should prefer the purchasing of the building near the Capitol; and, for the purpose of transferring the matter to another session, moved to lay the bill on the table.

Mr. RUGGLES asked for the yeas and nays; which were ordered.

The question was then taken, and decided as follows:

YEAS—Messrs. Bayard, Black, Brown, Clay, Clayton, Crittenden, Cuthbert, Davis, Goldsborough, Hendricks, Kent, King of Georgia, Knight, Leigh, Mangum, Morris, Porter, Robbins, Swift, White—20.

NAYS—Messrs. Benton, Calhoun, Ewing of Ohio, Hubbard, King of Alabama, Linn, Moore, Nicholas, Niles, Prentiss, Preston, Robinson, Ruggles, Shepley, Tipton, Walker, Wall, Webster—18.

So the bill was ordered to lie on the table.

PUBLIC LANDS.

Mr. EWING, of Ohio, moved to take up the bill to change the mode of conducting the sales of the public lands.

Mr. BLACK opposed the motion, and it was carried: Yeas 23, nays 17, as follows:

YEAS—Messrs. Bayard, Buchanan, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hubbard, Kent, King of Georgia, Knight, Leigh, Mangum, Moore, Prentiss, Preston, Robbins, Ruggles, Shepley, Southard, Swift, Tomlinson, Webster—23.

NAYS—Messrs. Benton, Black, Brown, Hendricks, King of Alabama, Linn, Morris, Nicholas, Niles, Page, Porter, Robinson, Tipton, Walker, Wall, White, Wright—17.

Mr. EWING, of Ohio, explained the nature and objects of the bill, which, for the purpose of preventing fraud, violence, and combinations, at the public land sales, substitute secret and sealed bids for the present open and oral bids, and offered some amendments to perfect the details; which were agreed to.

Mr. WALKER then moved the indefinite postponement of the bill.

Mr. CALHOUN said that this motion was intended to defeat the bill; but, as it was a measure of considerable importance, he hoped it would not be thrown aside without some discussion. He would be glad to hear the arguments for and against it before he gave his vote.

Mr. PORTER was perfectly willing to allow gentlemen an opportunity of perfecting the details of the bill, and he therefore hoped that the Senator from Mississippi would withdraw the motion. He was satisfied, however, that more frauds would be practised under the provisions of this bill than under the present practice.

Mr. PRESTON feared that the bill could not accomplish the object intended. There was more danger of frauds being practised in secrecy than when the bids were open, and in the presence of hundreds. He had heard frequent complaints of frauds in the land offices, of which he professed to know nothing; but he thought that this bill would offer strong temptation to such frauds.

Mr. EWING said he had bestowed much pains and labor in the consideration of the subject, and, in common with the committee, had come to the conclusion that this was the only plan that could be adopted to prevent violence, if not frauds, at the public land sales. Mr. E., in the course of his remarks, described the combinations and violence used at the public land sales to prevent honest bids, and gave a history of the manner in which frauds of great extent had been successfully perpetrated. Mr. E. also explained at full length the manner in which the provisions of this bill would operate in preventing frauds, violence, and combinations, and argued to show that it would amply guard against the evils that now existed. Sealed bids, he said, were made in relation to every public contract, except for the public lands: for the Post Office, for supplies for the navy and army, for the letting of contracts for roads, and, in short, for every thing but for the sales of the lands.

Mr. LINN said that, as much had been said as to frauds in the public lands, he wished to inquire particularly of the chairman whether any frauds had been alleged to have been committed in Missouri.

Mr. EWING replied that there was no doubt but that a great number of frauds had been perpetrated at the land sales; but he could not say that there were any charges that frauds had been committed in Missouri particularly.

Mr. LINN said his object was to have the skirts of Missouri cleared of any imputations that might indirectly rest upon her in consequence of the frauds that had been alleged to have taken place in the public land sales. He had travelled much through Missouri, and he had never heard of frauds and combinations there, and he felt warranted in saying that none had ever existed. Perhaps, if gentlemen from the other new States would rise and ask the same question from the chairman, similar answers to that given in relation to Missouri might be received, and thus the frauds so much magnified might be narrowed down to a very small compass. He would suggest to the Senator from Ohio, who took so deep an interest in the public lands, that the best way to prevent frauds and combinations would be to abolish the present land system altogether, and reserve the public domain in the valley of the Mississippi for the purpose of making it an asylum for the poor man of every country in the world who may be disposed to come there and cultivate the soil for an honest support.

Mr. WALKER said that he had wished that the consideration of this subject might be postponed until the next session of Congress, when the subject might be more maturely considered, and some measure devised more calculated to effect the object in view than the one before them. Mr. W. entered at length into the various objections he had to the bill, and supported them with an argument of considerable force and ability. The abolishment of the present auction system, which had existed since the adoption of the constitution, and even prior to that time, and the substitution of a species of free-masonry in its stead, would, in his opinion, lead to frauds of incalculably greater extent than had ever heretofore been alleged to have taken place. He had attended a few land sales in Mississippi, and he most solemnly believed that no frauds or violence had ever taken place at the sales there; he had seen none, and had heard of none. If violence would ever be perpetrated under the present system, it would only be where the speculator purchased the farm in the possession of the honest cultivator, and deprived him of a home for his wife and children, and he had never heard of but one case of that kind. Among his various objections to the bill, Mr. W. referred to the strong temptations that it offered to the public officers. If it took effect, they must, he said, place archangels in the land offices instead of men, or they would violate that precept of holy writ, "lead us not into temptation." Of the whole one hundred and fourteen registers and receivers, if only two villains should be among them, they could make such a scene of fraud and violence as never was before heard of. It would give the whole control of the land offices to the registers and receivers, and the sales must depend on their honesty. A stronger temptation to villany could not be presented to the cupidity of man. Mr. W. took an extended view of the process of secret bids, and described the powers of the registers and receivers over them, and showed the various modes by which the laws might be evaded, violated, and set aside, and no human being but the registers and receivers, and the few interested with them, have the slightest knowledge of their proceedings.

Mr. KING, of Alabama, was fully aware that the Committee on the Public Lands had reported this bill with a sincere desire to guard against the various frauds at the public land sales, which he had very little doubt had been perpetrated. He did believe that it was possible to devise some mode by which these frauds might be guarded against, and that they might dispose of the lands beneficially to the settler, and beneficially to the Government, without the corrupting influence of those speculations and frauds that had heretofore existed. He had looked into the bill with a sincere desire to find that it was calculated to accomplish the object in view; but, after a careful examination, he was constrained to believe that it would open the door to greater frauds than had ever yet been perpetrated; that, under its operation, they would get less money for the lands, and that it would give great facilities to the speculating tribe, while it would operate less favorably for the actual settler. Mr. K. described the manner in which the combinations of sagacious and wealthy capitalists prevented a fair competition from those who wished to purchase for actual

settlement, and contended that they would have still greater facilities under the present bill. Among his other objections, he said that if this system took effect, a general suspicion would necessarily be excited against the registers and receivers, no matter whether they conducted the sales fairly or otherwise. He was perfectly convinced, that to adopt this plan would work greater evils than at present existed. He would be glad, therefore, if the honorable chairman of the Committee on Public Lands would consent to let it rest until the next session, and that they would then take it up with a sincere desire of doing something—an object that they all had at heart—to cure the evils existing in the present system.

Mr. HENDRICKS rose to repudiate the allegations of frauds, so far as they relate to the State of Indiana. He was convinced from correct information that none have ever been practised there. Mr. H. then stated his objections to the bill, believing that it would occasion more frauds and combinations than had yet been complained of, and concluded by moving to lay the bill on the table.

Mr. EWING then requested Mr. HENDRICKS to withdraw his motion; which was consented to, and Messrs. EWING and PORTER severally addressed the Chair in continuation of their arguments.

Mr. CLAY said he knew that the committee had been attentively considering this subject, and that they had been assisted by the co-operation of the Commissioner of the General Land Office, and that, after much pains and labor, they had agreed on a system which, though it might not be perfect, was yet calculated to do much good. What were the evils complained of under the present system? Fraud and violence. Gentlemen might get up and deny that there had been any; yet they spoke only of their own belief as to what had taken place in their respective States. But this fraud and violence had not been charged against any one State in particular; but the charge had been general, and that fraud and violence had existed to an alarming degree, in relation to the public land sales, there was scarcely room to doubt. They had abundant evidence on their tables to satisfy any one on that head. His friend from Louisiana knew that the frauds with regard to pre-emptions in that State had been so great that the Governor had thought proper to make them the subject of a special communication to the Legislature. It was in vain to deny the existence of combinations and frauds. These might not be perpetrated by individuals in the State where the land sales were; but by combined bands of wealthy individuals coming from other quarters. Mr. C. went on at length in support of the bill, contending that it was the best measure that could be devised to cure the evils existing in the present system.

Mr. ROBINSON was not so much opposed to this bill as some gentlemen who had addressed the Senate on the subject; but still believing it to be exceedingly imperfect, and liable to strong objections, he must vote against it. He had risen, however, not to enter into an argument on the merits of the bill, but to say a word or two as to the violence that had been committed at one of the sales in his State. This violence had been confined to cases where the actual settler and cultivator was anxious to procure the land which he cultivated. Combinations for this purpose had occurred. The settlers in that district met some days previous to the sale, and selected a committee of respectable persons to investigate the subject. This committee examined into the case of each bonafide settler, and all such as they found embraced in that description they determined should have their lands, determining that they would cry "pre-emption," whenever the settlement of such person was offered for sale, and prevent any one else from bidding for it. Where there was not an actual settlement and cultivation, nothing of this kind had taken place. So strong was the feeling on this subject in his State, that he doubted very much, if a stranger were to go into any neighborhood and purchase the land of an actual settler, whether he would be permitted to remain there. He believed that violence had never been committed at the land sales in his State to prevent fair competition, but to prevent the speculator from getting the home of the actual settler and cultivator. Combinations of speculators were generally composed of non-residents, as those in the States where the sales took place had not the funds for such purposes.

If this bill would accomplish the object in view, and put down combinations, he would with great pleasure vote for it; but, from all the examination he had given to the subject, he was convinced that it would add to, rather than diminish, the present evils. One word as to these frauds. He was satisfied that they had been much overrated, and that the principal frauds arose from the pre-emption floats.

Mr. MORRIS differed with his colleague as to the principles on which the bill was based. His colleague looked upon the public lands as a source of revenue, while he thought the great object for which the sales should be made was the settlement of the lands and the security of the purchaser. After stating his objections to the bill, Mr. M. suggested that the best plan to cure the evils complained of would be to stop the sales at public auction and sell the lands to the actual settlers only in small quantities. This would, at all events, give them time to devise some system that would meet with more general concurrence than the present.

The debate was further continued by Messrs. BLACK, WALKER, and CALHOUN; after which the question was taken on Mr. WALKER's motion to postpone the bill indefinitely, and it was carried: Yeas 25, nays 15, as follows:

YEAS—Messrs. Benton, Black, Brown, Buchanan, Calhoun, Cuthbert, Hendricks, Hubbard, King of Alabama, Linn, Moore, Morris, Nicholas, Niles, Page, Porter, Preston, Rives, Robinson, Shepley, Tipton, Walker, Wall, White, Wright—25.

NAYS—Messrs. Bayard, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Kent, Knight, Leigh, Prentiss, Robbins, Southard, Tomlinson, Webster—15.

The Senate adjourned.

FRIDAY, JUNE 24.

PUBLIC DEPOSITES.

A message was received from the President of the United States, announcing his approval of the bill to regulate the public deposites.

Mr. CLAY remarked that the message just communicated by the President announced the gratifying fact that he had approved the deposite bill. He (Mr. C.) was extremely glad of it, and it afforded ground for great rejoicing; but he could not refrain from observing that the same fact was announced this morning in the Globe, in an editorial article which bore an authorized character; and that it was not according to established usage, nor respectful towards Congress, that his approbation of a bill passed by that body should be communicated to the editor of a newspaper prior to the communication of the fact to that House in which the bill had originated.

TEXAS.

The following message was also received from the President of the United States:

To the Senate of the United States:

In compliance with a resolution of the Senate of the

18th instant, I transmit a report from the Secretary of State, with the papers therewith presented. Not having accurate and detailed information of the civil, military, and political condition of Texas, I have deemed it expedient to take the necessary measures, now in progress, to procure it, before deciding upon the course to be pursued in relation to the newly declared Government.

ANDREW JACKSON.

WASHINGTON, 23*d June*, 1836.

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DEPARTMENT OF STATE,
Washington, 23*d June*, 1836.

To the President of the United States:

The Secretary of State, to whom was referred a resolution of the Senate of the 18th instant, requesting the President "to communicate to the Senate any information in his possession, not inconsistent with the public interest, touching the political condition of Texas—the organization of its Government, and its capacity to maintain its independence; and, also, any correspondence which may have taken place between the Executive of the United States and the Government of Texas or its agents," has the honor to lay before the President the accompanying copies of papers addressed to, and left at, the Department of State, by persons claiming to be agents of the republic of Texas; being all the information and correspondence called for by the resolution. No answers having been returned to any of these communications, they remain for further consideration, and such direction as the President shall hereafter give.

All which is respectfully presented.

JOHN FORSYTH.

The message having been read,

Mr. CLAY rose and said it did not appear to him to be necessary that a reference should be made of this message, as the President himself states that he deems it requisite that he shall have further information on the subject before he determines on the propriety of recognising the independence of Texas. The Committee on Foreign Relations, in their report, had certainly thrown out no reflection on the President as having been too tardy in his movements, but had come to the conclusion that it would be proper to recognise the independence of Texas whenever it should be communicated that she had a Government able to sustain itself. As the President had signified a desire to wait for further information before he acts, there would probably be no necessity to move to refer these papers to the Committee on Foreign Relations. He moved to lay the message on the table, and print it.

Mr. PRESTON stated that the only fact necessary to be established was, that the war in Texas had terminated; and that was proved by the documents accompanying the message. He would, however, concur in the motion of the Senator from Kentucky, merely reserving to himself the privilege to move further in the subject, if, on reflection, he should feel convinced that such course was advisable. The present inclination of his mind was to move to refer the resolution of the Committee on Foreign Relations back to that committee, with instructions to report a resolution to recognise the independence of Texas.

Mr. CLAY said that if it should be considered by the Senator from South Carolina (or any other Senator) advisable to adopt such a resolution as he had suggested, he might do so when the resolution of the Committee on Foreign Affairs came to be acted on, and that resolution was the special order for yesterday. He did not concur in the opinion expressed by the Senator, that the sole fact to be regarded in acting on this subject was that of the termination of the war. There was also another fact, and it was that concerning which he presumed the President was now seeking information, and this was—whether there is, in fact, a Government existing in full and successful operation, so as to justify the establishment of intercourse and relations of amity. Whenever the motion to lay the message on the table and print it was disposed of, he would move to make the resolution reported by the Committee on Foreign Relations the special order for a day next week.

The message was then laid on the table, and ordered to be printed.

Mr. PRESTON said he felt himself honored in presenting to the Senate a memorial from a portion of the citizens of Louisiana on the subject of Texas. The honor was the more conspicious, as he had been informed by one of the Senators representing that State, that it was signed by its most respectable and influential citizens. The memorial purported to be from the citizens of Opelousas, Louisiana, and expressed the deep sensibility with which they had looked on the struggle for freedom going on in Texas, and the peculiar interest they felt, being on the very confines of that country. They expressed an anxious hope that this Government should, at the earliest period, recognise the existence of this new republic which had so gloriously achieved its independence. He felt that they had received from all parts of this Union, and from the most respectable sources, communications of this nature, showing that public opinion was fully prepared for any proceedings of the Government on this subject.

Mr. P. then moved that the memorial be laid on the table and printed; which motion was agreed to.

HOUR OF MEETING.

Mr. TOMLINSON moved that when the Senate adjourn, it adjourn to meet to-morrow at ten o'clock, A. M.

Mr. KING, of Alabama, moved to amend the motion by making the meetings, for the remainder of the session, at ten o'clock, A. M.; which amendment was agreed to, and the motion as amended was adopted.

R. W. MEADE.

On motion of Mr. PORTER, the Senate took up a bill for the settlement of the claim of the executrix of Richard W. Meade; which was considered and discussed, and the yeas and nays were demanded by Mr. WRIGHT.

Mr. HUBBARD moved an amendment, providing for a reference of the claim to certain officers of the Government, to report on the subject at the next session. The other parts of the bill were stricken out.

The demand of the yeas and nays was withdrawn, and the bill was ordered to be engrossed.

C. J. CATLETT.

Mr. KING, of Alabama, moved the Senate to take up the bill for the relief of Charles J. Catlett: Ayes 15, noes 11.

The bill was amended, on motion of Mr. CALHOUN, so as to refer the bill to the officers of the Treasury, to report on the principle.

The bill was then ordered to be engrossed and read a third time.

THE NAVY.

On motion of Mr. SOUTHARD, the bill for the organization of the navy was taken up.

Mr. S. observed that the objections heretofore made to this bill were to the number of persons to be promoted to the grade of admiral. With a view to try the sense of the Senate, he would move to strike out the four rear admirals.

This motion was agreed to, leaving in the bill one admiral and two vice admirals.

Mr. S. then moved to insert thirteen commodores instead of nine.

Mr. CUTHBERT said that he should make no decided opposition to this part of the bill, though he believed they were in danger of passing a bill that they might hereafter have cause to regret. He would have much preferred that the chairman of the committee had acquiesced in the general sense of the Senate expressed the other day, and permitted the bill to lie for the remainder of the session. It would then have been taken up at the commencement of the next session, when they would have time to mature such a bill as would put the navy, which was so deservedly a favorite of the country, and was looked upon as the right arm of our defence, on a permanent footing of efficiency and respectability. He confessed that he had strong objections to this portion of the bill for creating the grade of commodore. It was nowhere a substantial grade, and this might at least give them cause for reflection. Any hurry might produce future prejudice as well as serious injuries to this important arm of the national defence. Amongst other objections to this change, he would state one that he thought should have some weight. As long as commodore was not an established grade in the navy, it remained with the discretion of the Department to select the most able, the most enterprising, and the most vigorous of the captains for the command of a squadron on an important emergency. But the moment this grade was established by law, that advantage would be taken away. He hoped gentlemen would proceed with great caution, as any false step with regard to the navy could not easily be repaired, and might cause the most serious regrets.

Mr. SOUTHARD said that he would gladly have acquiesced if he had not believed it to be a solemn and imperative duty to endeavor to get this bill through at the present time. If the Senate should differ with him in relation to any of the grades introduced in the bill, all it would have to do would be to strike them out.

As to the grade of commodore, it was a rank known in common parlance, and would be well understood. He thought the establishment of the grade would be very serviceable to the navy, and would create no difficulties whatever. He thought, too, that the addition of this increased rank was due to those gallant officers whose long and faithful services have been so creditable to themselves and their country.

Mr. CUTHBERT observed that the chairman of the committee had undoubtedly laid down just principles; but every principle must be qualified by some other, and every principle urged, without reference to others, became exaggerated. The question, then, was one of prudence. It could not be doubted but that long and faithful service should be rewarded; but by multiplying the rewards, their value would be greatly diminished, and they would be rendered less an incentive to laudable ambition. The question was, whether they were prepared, without more mature consideration, and in this hurried manner, to make this important change. He desired to treat this subject with the utmost delicacy, and to avoid making any false step in regard to that navy which was their pride and glory, and on which the defence of the country, their interest, and their Union, so essentially depended.

To determine at once the question whether the grade of commodore should be a substantial grade of the navy, he would move to strike it out.

After some remarks from Mr. SOUTHARD, in opposition to the motion,

Mr. SHEPLEY observed that he should take it for granted, if this grade of commodore were established, there being no such grade either in the British or French naval service, that difficulties would occur in foreign ports, between our commodores and the officers of those nations, about matters of ceremony and questions of precedence.

Mr. SOUTHARD replied that such difficulties had occurred, and it was because we had no officers of a higher grade in the navy than captains. By giving increased grades to our officers, the chances of such difficulties occurring would be diminished.

Mr. WEBSTER would have preferred retaining the old established grade of admiral, which was well understood, instead of having this unknown grade of commodore. He was in favor of striking out the commodores, and would, when the bill was reported to the Senate, move to reinstate the grade of rear admirals. He thought this promotion was due to the gallant officers who had added so much to our naval renown.

On taking the question, the nine commodores were stricken out.

Mr. CUTHBERT suggested that as the bill now stood, it provided for one admiral and two vice admirals. He thought it would be better to have one of each of the three grades, admiral, vice admiral, and rear admiral. He would suggest another amendment. The bill provided for two grades of lieutenants. Now, in the naval service, there was no necessity for having two grades of lieutenants, it being totally different from the land service in that particular. It had been tried either in the British or French naval service, he did not recollect which, and, being found to be attended with inconveniences, had been abandoned.

Mr. PORTER inquired if there was any difference of pay in the two grades of first and second lieutenants.

Mr. SOUTHARD replied that there undoubtedly would be, if the difference in the grades was established.

The question was then taken, and the second lieutenants were stricken out.

Mr. SOUTHARD then moved, as the one hundred second lieutenants were stricken out, to amend the bill further by increasing the number of lieutenants to 350 instead of 250.

Mr. BUCHANAN said, that in looking over the navy list, he found that the number of lieutenants now consisted of 257, and that at least one half of them were on furlough or leave of absence, waiting orders. He had been informed that the number of these officers was too great to allow them sufficient opportunities of going to sea to acquire skill and experience in their profession. He was aware that large appropriations had been made this year for keeping afloat a great naval force; but there was no reason to suppose that this was to be continued. He thought it better not to increase the number of lieutenants, as there were enough in the service to officer all the vessels that would be employed.

Mr. CUTHBERT said that he had made a careful examination to ascertain the number that would be required; and taking into consideration that they would now have at sea double the number of vessels ever before afloat, the number of navy yards and receiving ships, with the casualties of sickness and other causes, he did not think they could do with a less number than was proposed.

Mr. SOUTHARD said that the gentleman, in his examination of the Naval Register, had not taken into consideration the few vessels that were afloat. They would have now double the number at sea that had ever been at sea before.

Mr. WALKER expressed the opinion that they could not do with a less number than was proposed. He had always been opposed to extravagant appropriations, yet he thought in this case the expenditure was highly necessary.

Mr. BUCHANAN said that it would be easy enough to increase the number, but it would not be so easy to

diminish it. According to the chairman's own statement, it was not necessary to increase the number of lieutenants; for if one half the number of lieutenants had been heretofore ashore awaiting orders, now that they were going to send double the number of ships to sea, this half would be just enough for the purpose. He did not believe that he should succeed, and he would therefore be content if only fifty more were added, making the number of lieutenants three hundred instead of the present number of two hundred and fifty-seven.

Mr. RUGGLES observed that the amendment did not imperatively require that there should be three hundred and fifty lieutenants; but that the President might appoint that number if he should deem it necessary. Presuming that the President would not appoint more than were required for the service, he should vote for the amendment.

After some further observations from Messrs. CUTHBERT, MANGUM, and BUCHANAN, the question was taken and carried on striking out the word "two" and inserting "three," thus making three hundred and fifty instead of two hundred and fifty.

Mr. BUCHANAN moved to strike out the word "fifty," so as to leave the number of lieutenants at two hundred and fifty; rejected: Ayes 22, noes not counted.

Mr. MANGUM moved to lay the bill on the table; which motion was lost: Yeas 11, nays 25, as follows:

YEAS—Messrs. Brown, Buchanan, Hubbard, King of Georgia, Mangum, Morris, Niles, Robinson, Shepley, Tipton, White—11.

NAYS—Messrs. Bayard, Black, Calhoun, Clay, Clayton, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Kent, King of Alabama, Knight, Leigh, Linn, Nicholas, Porter, Prentiss, Preston, Rives, Robbins, Ruggles, Southard, Tallmadge, Walker, Webster—25.

Mr. BUCHANAN moved further to amend the bill, by striking out fifty, and inserting forty, for the number of captains, and by striking out seventy-five, and inserting sixty, for the number of commanders; which motion was agreed to.

Mr. SOUTHARD moved further to amend the bill, by striking out seventy-five for the number of passed midshipmen, and inserting one hundred and twenty-five; which motion was also agreed to.

After some remarks from Messrs. CUTHBERT, SOUTHARD, and WEBSTER, the bill was so amended as to provide for one admiral, one vice admiral, and three rear admirals; after which, it was ordered to be engrossed for a third reading.

A number of bills were severally read the second time, and considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

On motion of Mr. CLAYTON, the Senate went into the consideration of executive business; after which,

It adjourned.

SATURDAY, JUNE 25.

NEW YORK SUFFERERS.

Mr. WRIGHT moved the Senate to take up the bill for the relief of the sufferers by the late fire at New York; which was agreed to.

Mr. WRIGHT moved to amend the bill so as to make it a bill to extend the relief of the bill now in existence to the sufferers who had paid their bonds previous to the passage of the act, and whose losses exceeded $1,000.

Mr. W. explained that there had been bonds paid by sufferers to the amount of $405,115 before the passage of the act.

The amendment was agreed to, and the bill was ordered to be engrossed for a third reading.

GRATUITIES OF LAND.

Mr. BENTON moved to postpone the previous orders, for the purpose of taking up the bill to grant certain quantities of land to the States of Indiana, Illinois, Alabama, Mississippi, and Missouri; which was agreed to.

Messrs. BENTON, WALKER, and HENDRICKS, advocated the bill.

Mr. MANGUM opposed the bill, and said that he would move to lay it on the table; and if that motion failed he would then move to insert a grant of 500,000 acres of land for each of the old States.

Mr. CLAY addressed the Senate in opposition to the bill.

Mr. WALKER spoke in its support.

Mr. BLACK said he would not detain the Senate by entering into a discussion of the principles upon which similar grants had been made to several of the new States, and upon which this donation of land is asked. The bill had been many times before the Senate, and the principle had been acknowledged and sanctioned by the land bill.

I (said Mr. B.) was one who voted for the land bill, because, as I have on another occasion stated, I was fully aware that there would be on hand, after the proper disbursements of the money, a large surplus—a surplus of some thirty millions of dollars. This surplus, every one must see, could not and ought not to be permitted to remain idle where it was not wanted. I, for one, knew and said it would not; the result has verified what I said.

Sir, (said Mr. B.,) I am glad to find that I have the support and countenance of my colleague in favor of this bill; for I remember, in discussing the land bill, he declared he would not accept a five hundred thousand acre grant on the conditions prescribed, which are the same as this bill, word for word. This was said in disparagement of the land bill. I am glad that it is looked at in a different light since the passage of the general distribution act, now a law. By the land bill, Mississippi would have got a million and a half of dollars during 1837; by this bill, not one half that sum, besides resigning this valuable grant. Sir, I am in hopes the representatives will turn their attention to this matter, and to the figures of the case.

Mr. MANGUM moved to lay the bill on the table; which was carried: Yeas 22, nays 17, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay, Clayton, Crittenden, Cuthbert, Davis, Goldsborough, Kent, Knight, King of Georgia, Leigh, Mangum, Page, Prentiss, Preston, Robbins, Ruggles, Shepley, Southard, Swift, Webster—22.

NAYS—Messrs. Benton, Black, Buchanan, Hendricks, King of Alabama, Linn, Moore, Nicholas, Niles, Porter, Rives, Robinson, Tallmadge, Tipton, Walker, Wall, White—17.

MICHIGAN.

On motion of Mr. CLAYTON, the Senate proceeded to consider the amendment of the House to the bill to provide for the due execution of the laws of the United States in the State of Michigan.

The amendment struck out the salary of $2,000 appropriated by the Senate bill for the district judge of Michigan, and substituted $1,500.

The question being on the motion of Mr. CLAYTON to strike out $1,500 and insert $1,800,

Mr. CLAYTON withdrew his proposition, and the amendment of the House was concurred in.

R. W. MEADE.

On motion of Mr. CLAY, the bill to settle the claim of the executrix of Richard W. Meade was taken up, for the purpose of making a slight amendment.

The motion was agreed to, the bill was amended, and read a third time and passed.

MARINE CORPS.

The bill to regulate and increase the pay of the officers of the marine corps was taken up.

Mr. SOUTHARD explained that the bill provided that the pay of the colonel should be $3,500 per annum; of the lieutenant colonel $3,000 per annum; of the majors $2,500; and thus going gradually down to the lowest officer, $500 less for each grade.

Mr. BUCHANAN moved to amend the bill by making the pay of the marine officers the same as that of officers of like grades in the infantry of the United States army, while serving on shore; and that when serving at sea their pay shall be the same as that of officers of equal rank in the navy—the rank to be previously determined by the President of the United States.

This amendment was supported by Messrs. BUCHANAN and WEBSTER, and opposed by Messrs. SOUTHARD, CLAYTON, and PRESTON; after which, the amendment was lost.

The bill was then reported to the Senate, when Mr. BUCHANAN renewed his motion to amend; and after a debate, in which the motion was supported by Messrs. BUCHANAN, CLAY, and WEBSTER, and opposed by Messrs. PRESTON, WRIGHT, and CLAYTON, it was adopted by the following vote:

YEAS—Messrs. Bayard, Benton, Buchanan, Calhoun, Clay, Crittenden, Cuthbert, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Knight, Leigh, Linn, Mangum, Nicholas, Niles, Page, Prentiss, Rives, Robinson, Ruggles, Tipton, Tomlinson, Wall, Webster—27.

NAYS—Messrs. Black, Clayton, Moore, Preston, Robbins, Southard, Tallmadge, Walker, White, Wright—10.

Mr. SOUTHARD moved to amend the bill by providing that it shall take effect from and after the 18th June, 1834; which was carried; and

The bill was then ordered to be engrossed for a third reading.

JOSEPH GRANT.

On motion of Mr. KNIGHT, the bill to extend the patent right of Joseph Grant was taken up, and after some remarks from Mr. K. in its support, and from Messrs. NILES and WALL in opposition to it,

Mr. RUGGLES submitted an amendment providing that the rights of those persons who have used said invention or invested capital in it since the expiration of the patent, up to the passage of the bill, shall not be affected by it; but before taking any question,

The Senate adjourned.

MONDAY, JUNE 27.

TEXAS.

Mr. WHITE presented the proceedings of a large meeting of citizens assembled at Nashville, and a memorial praying that Texas may be acknowledged as a sovereign, free, and independent State. Mr. WHITE expressed his acquiescence in the feeling and action of this meeting; and, on his motion, the proceedings were read, laid on the table, and ordered to be printed.

FORTIFICATIONS.

Mr. WEBSTER, from the Committee on Finance, reported the bill from the House making appropriations for fortifications, with two amendments. The amendments (Mr. W. stated) were of no considerable importance, and he would move for the printing of them, and move to take up the bill for consideration to-morrow. This bill contains appropriations for works in progress, and appropriates liberally and largely, the sums being equal to what would have been appropriated last year, had not the annual bill been lost between the two Houses, as well as during this session.

The amendments were then ordered to be printed.

PENSION BILL.

On motion of Mr. TOMLINSON, the Senate reconsidered the vote by which a bill granting pensions to certain individuals therein named was passed on Saturday; and the bill was then laid on the table.

ADJOURNMENT VETO.

The Senate proceeded to consider the message of the President of the United States, returning the bill fixing a day for the annual meeting of Congress, and for the close of the first session of each Congress.

The question being on the passage of the bill, the objections of the President to the contrary notwithstanding,

Mr. MORRIS stated at length the reasoning which had brought him to the conclusion that the objections of the President are not sustained by the soundest construction of the constitution.

Mr. GOLDSBOROUGH asked the attention of the Senate for a moment only, as he was well aware, at this late period of the session, that the request was a great one; he would give his construction of the constitution, in relation to the question before them, with studied brevity and conciseness.

The topic is somewhat a new one, and has, for the most part, escaped the attention of commentators; for what reason, whether considered as perfectly obvious, or as not important enough to engage them, he would not undertake to decide; of this the Senate were convinced, that it was a subject wholly free from all party feelings, or from any other sinister influence that could mislead the mind. Nothing could be further from the expectation of those who voted for this bill, than an idea of violating the constitution, or infringing upon executive prerogative; and the frankness, the conciliating temper, together with the concluding sentence of the veto message, afford unquestionable evidence of the good spirit that moved the Executive.

The President, sir, in his message has quoted those parts of the constitution which he thinks bear upon this subject, and has arranged them in succession; it will be useful, and will facilitate construction, if we examine and remark the location of these quoted sections of the constitution, and see their bearing. The first quotation is from the first article in the constitution, which treats of the two Houses of Congress, and the conclusion of the fifth section refers to the several powers of each House. The next section, in the same article, which is quoted, refers to the joint powers of the two Houses. The first says that "neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting."

The obvious design of this section is to keep the two Houses together, both as to time and place, pending their session. The next quotation is from that section of the same article which prescribes the course that bills shall take in Congress before they become laws, as well as the course of every order, resolution, or vote, to which the concurrence of the two Houses is necessary, and is in the following words: "Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on the question of adjournment) shall be presented to the President of the United States," &c., and shall be subject to his approbation or disapprobation, as bills are. Thus, sir, this section regulating the course of bills in Congress, as well as all resolutions, orders, or votes, which require the concurrent vote of both Houses, provides that they shall be presented to the President for his approbation or disapprobation, but excepts the question of adjournment from that course. They who framed

the constitution, having in the previous section provided that, pending the session of Congress, the two Houses should not have the power to adjourn for more than three days, nor to another place than that in which they shall be sitting, excepted this question of adjournment, thus arranged, from the prescribed course of other joint acts of the two Houses; thus making the application of this exception of the question of adjournment, directly and naturally, to the foregoing adjournment, pending the session.

But the President, in his veto message, contends that the question of adjournment is not a matter of legislation, and rests it upon this clause in the constitution; and there, I think, with respectful deference, is the error in the message, viz: making the exception of adjournment, in the clause stated, universal in its application, instead of special to adjournments, pending the session. The power of regulating the sessions of Congress by law seems to be an incidental and necessary power. Already the sessions of Congress are in part regulated by law. The commencement of the sessions is prescribed by the highest law, the constitution, empowering Congress to change it by law if they think proper; and the termination of a Congress is also prescribed by law; the doubt arises exclusively upon regulating the first session of Congress, which is always the long session. The bill now under consideration takes away no power from a future Congress, as it provides "that the day of adjournment of the first session of every succeeding Congress shall be the second Monday in May, unless Congress shall, at any such session, by joint resolution, otherwise provide." If it is thought, therefore, that the good of the country and the convenience of Congress require that this long session should be limited by law, unless the Congress in session at the time should find it necessary to provide otherwise, shall it be prohibited to Congress to effect this good and this convenience, merely because the question of adjournment is excepted from being presented to the President for his approbation, as all other resolutions, orders, or votes are, which require a concurrent vote of both Houses? This would seem to be a strained construction, and more particularly as a much more natural and direct application of that exemption has been shown to the adjournments authorized during a session.

The next quoted section of the constitution is from the article relating to the Executive, and is the third section, which treats on the regular and eventful power of the Executive. It is in these words, viz:

"He (the President) may, on extraordinary occasions, convene both Houses, or either of them, and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper," &c.

From this section the President, in his veto message, concludes that the proposal to fix a day by law, to be binding in all future time, unless changed by consent of both Houses of Congress, is "to take away the contingent power of the Executive, which, in anticipated cases, is vested in him." Here, again, I think the President generalizes too much in his construction. If we examine this section closely, we shall find both its grammatical and legal construction in exact concurrence. The part of the third section of the second article quoted is one sentence, where all its parts have a direct reference to each other, and to nothing else. In enumerating the eventual or contingent powers of the Executive, it states "that he may, on extraordinary occasions, convene both Houses, or either of them," and then goes on, in the same breath, to say, "in case of disagreement between them, in respect to the time of adjournment, he may adjourn them to such time as he pleases;" evidently confining this power to the convention of both Houses "on extraordinary occasions," where, as experience has shown, it would be much more likely to anticipate that its use would be necessary. By thus confining the exercise of this contingent power of interfering in adjournments, (grammatically, and by every principle of construction, as I have done,) said Mr. G., to the special cases referred to, and with which it is placed in immediate relationship, the contingent executive power is left untouched, and no fear of its invasion remains; and that such is the true construction I cannot hesitate to believe. With these views, sir, (said Mr. G.,) I am constrained to dissent from the veto. I would, Mr. President, say a word upon the policy of this law, if it was admissible at this time, as I am convinced that these extremely protracted sessions of Congress are injurious, and must eventually, if persisted in, drive those men from Congress who are most fit and best qualified to be there. But I do not consider this question now before us; the policy of this law has been decided by a large majority of both Houses, and is conceded by the Executive; the only question before you is that presented by the veto, and which has been spread upon your journals—the constitutional question—and on that we are alone called to decide. Any other course, sir, would involve an absurdity; for suppose a Senator here, who, objecting to the policy of the law, but entirely clear as to its constitutionality, opposed its passage, the President returns the law with a constitutional objection alone, admitting its sound policy. If such a Senator, confident that the law is constitutional, still perseveres to decide on his opinion of its policy, which is already decided on and admitted, he sustains the veto in effect, though he condemns and opposes it in opinion; and the express object of the veto, in presenting the President's special objections to a law for consideration, fails.

Mr. PORTER said he had voted against the bill when it was brought forward, but he was opposed to the grounds taken by the President.

Mr. WALL sustained the argument of the President in a few observations.

Mr. SOUTHARD had voted against the bill, because he considered that its provisions involved an inconvenience; but he was satisfied that Congress had the constitutional power to pass the law, and he could not therefore sustain the veto, but should vote for the bill, the decided vote of the two Houses having settled the question of expediency.

Mr. NILES sustained the principles of the message, and maintained that the bill could not be sustainable, because it fettered the successors of the Congress which passed the law.

Mr. WALKER referred to the constitution to show that, when a bill was vetoed by the President, it was not required of Congress to reconsider his reasons, but only to reconsider the bill.

The question was then taken on the passage of the bill, the President's objections notwithstanding, and decided as follows:

YEAS—Messrs. Bayard, Buchanan, Clay, Clayton, Davis, Goldsborough, Hendricks, Kent, Knight, Morris, Robbins, Robinson, Southard, Swift, Tipton, Webster—16.

NAYS—Messrs. Benton, Black, Brown, Calhoun, Cuthbert, Ewing of Illinois, Grundy, Hubbard, King of Alabama, King of Georgia, Leigh, Linn, Mangum, Nicholas, Niles, Page, Porter, Rives, Tallmadge, Walker, Wall, White, Wright—23.

So the bill was rejected.

Mr. CLAYTON asked and obtained leave to introduce a bill to fix the day for the annual meeting of Congress; which was read a first time, and ordered to a second reading.

[This bill merely fixes the day of meeting for the first Monday in November.]

JOSEPH GRANT.

The bill for the relief of Joseph Grant was taken up, and the amendment moved by Mr. WALKER on Saturday being agreed to, the bill was ordered to be engrossed: Yeas 17, nays 14.

FRENCH AND NEAPOLITAN INDEMNITIES.

Mr. WRIGHT moved to lay the preceding orders on the table, that the Senate might take up the bill to anticipate the payment of the indemnities due to the claimants under the French and Neapolitan treaties.

He said he was not disposed, at this stage of the session, to occupy unnecessarily the time of the Senate with this or any other bill; but he must say he considered this one of the most important public bills upon the files of the Senate. There was now a pressure upon the money market in all the trading towns, and he knew of no way in which Congress could so effectually contribute to the relief of the mercantile interests, to the extent proposed, as by the passage of this bill. Every Senator would recollect that the instalments were still due under the French treaty, the one to become due in one and the other in two years from the present time. Under the Neapolitan treaty, his recollection was that seven instalments were yet due, to be paid annually. It would, therefore, be seven years before the money would be paid under this last treaty. All the money due under both treaties was bearing an interest of at least four per centum per annum, which would make the advance of the money a safe and profitable operation for the Treasury, while its advance would contribute instant relief, to the amount of about four millions of dollars, to the great mercantile interests of the country, which are now suffering for the want of immediate cash capital. The present condition of the Treasury would permit the advance without any injury to any national interest, and he most earnestly hoped that the bill would be taken up, and would meet the favor and approbation of the Senate.

Mr. W. said his object in making the motion at this time was that it might be a test of the disposition of the Senate as to the bill itself. He had made the motion a few days since, unsuccessfully; and he had not at that time made any explanations whatever of his views in reference to the bill and its public importance. He now hoped he might so far obtain the attention of the members of the body as to prepare every Senator to vote upon the motion he had now made with reference to the fate of the bill. There could be no questions of detail. The only provisions contained in the bill, and the only provisions required, were that the money should be advanced from the Treasury to the claimants, and that assignments of their claims against these respective foreign Governments be taken by the United States in exchange for the money. The effect would merely be an investment of the money at an interest of four per cent. per annum, while the capital advanced would go to the immediate relief of the mercantile interests. He had made careful inquiries at the Treasury, and found that the appropriation would not vary far from four millions of dollars, and would not, very certainly, exceed that sum.

Mr. W. said he had made these remarks that the vote might be decisive of the fate of the bill for the present session. If the Senate should refuse, upon the present occasion, to take up the bill, he should not feel it to be his duty again to move it. He therefore would ask the ayes and noes upon the question, that the expression might be decisive and satisfactory, as well to the Senate as to the parties and interests concerned.

After a few words of conversation between Messrs. WEBSTER, PORTER, LINN, and WRIGHT, the vote was taken, and the motion was lost. The ayes and noes upon it were as follows:

YEAS—Messrs. Benton, Cuthbert, Ewing of Illinois, Grundy, Hubbard, King of Alabama, King of Georgia, Leigh, Morris, Nicholas, Niles, Page, Rives, Ruggles, Tallmadge, Walker, Wall, Wright—18.

NAYS—Messrs. Bayard, Black, Brown, Buchanan, Calhoun, Clay, Clayton, Crittenden, Davis, Goldsborough, Hendricks, Knight, Leigh, Mangum, Porter, Robbins, Southard, Swift, Tipton, Webster, White—21.

ARMORIES, ARSENALS, &c.

The bill to establish a foundry, an armory in the West and one in the South, arsenals in the States in which the same have not yet been established, and depots for arms in certain States and Territories, was taken up and considered as in Committee of the Whole.

Mr. CALHOUN thought it was too late in the session to act on a bill of such importance, involving such heavy appropriations; and he would therefore move that it be indefinitely postponed.

Mr. LINN hoped that the postponement would not be ordered. For many years Congress had acted in both of its branches favorably for an armory in the West, though not in both at the same time, and there never had been a doubt of the importance of some of the objects included in this bill.

The history of the last war showed the great importance of an armory on the western waters, and, in further confirmation of the necessity of one there, he would call the attention of gentlemen to the report of the Secretary of War on the subject. The Secretary (Mr. L. said) went into an exact estimate of the difference of the cost of arms manufactured in the West and those manufactured east of the mountains, the difference being in favor of the former. The importance of an armory in the West in time of war was manifest; every one acquainted with the resources of Missouri would at once see the great economy there would be in having arms manufactured there. Within a compass of twenty miles square, in that State, could be found every material used both in the manufacture of arms and of gunpowder; and this, too, where there were the greatest facilities for water transportation. He regretted that the armory for the West did not stand in a bill by itself; but, as it was, he should vote for the whole bill.

Mr. BENTON observed that there were now nine or ten arsenals in the United States, distributed in the different States—principally at the North—and it was thought right by the Military Committee, that there should be one in every State in the Union. It was thought right that every State should be put on the same footing with the eight or nine States who now had arsenals. With respect to the armory, it rested on different foundations. We of the West, said he, have for fifteen years been endeavoring to get an armory established on our waters. We have had reports upon reports in favor of it—all showing that the expense of the transportation of arms beyond the mountains was of itself sufficient to authorize the measure. As the arms on hand became fewer and fewer, in consequence of use and decay, it would readily be seen what a supply the West would require for her constantly growing population. History showed the impossibility of supplying a country with arms at any one period. The supply must be constantly going on. In England and France, the manufacture of arms was continued with as much regularity as if they had never manufactured arms at all. Now, in Europe, the regular armies only were armed, while the body of the people went unarmed. Our people should be well armed, and not suffer-

ed to muster in time of peace with cornstalks, and carry arms in time of war that they are afraid of. The secret of the great success of the western people in battle was in their being accustomed from their childhood to the handling of arms. Mr. B. referred to a report of the Secretary of War in 1818, which recommended an armory on the western waters, on account of cheapness, and the considerable expense that would be saved in transportation. We of the West (said Mr. B.) have miscarried heretofore, by endeavoring to fix upon the place. They had now abandoned that idea, and left the location to the discretion of the Executive. They saw that of the two armories of the United States, both were east of the mountains, and if a line were drawn from Florida point to Maine, they would be found in a quarter of the Union.

Mr. CLAYTON observed that his impressions were in favor of the bill; but he observed an appropriation of $100,000 for a foundry, and he desired to know where it was to be located.

Mr. BENTON replied that the object was to have a pattern foundry at the seat of Government, to bring to the same test, not only the caliber of all the guns, but the metal used in making them.

Mr. KING, of Alabama, said that he was rather in favor of the general objects of the bill, but on examination it seemed to him that there were some objections to it. He thought, as the bill stood, the foundry might be located either at Louisville or St. Louis. The Southwest, too, the most important part of the Union for an armory, was entirely excluded from the bill. It had heretofore been considered that the most favorable position for an armory was at the bend of the Tennessee river, west of the Muscle Shoals, where every convenience of water power, facilities of transportation, and materials, were to be found. He thought this would be the most favorable position for an armory, as it would there be most convenient for all the western and southwestern States. With regard to arsenals of depot, every gentleman would see the propriety of having them in every State, for the purpose of supplying arms to the militia. No gentleman, he believed, would object to this. With regard to arsenals of construction, he understood it as another name for an armory. Why should they have one at the South, and one in the West, and establish another arsenal of construction at St. Louis? An arsenal of construction, he presumed, was for the manufacture of small arms, and it was therefore the same thing as an armory. He would vote against the indefinite postponement of the bill, with a view of having such amendments made as would relieve the bill from any objections.

Mr. PORTER said he agreed with the Senator from Alabama, that there was no particular reason for having an armory in the South. He believed that St. Louis was as advantageous a position for Louisiana as any other place, considering the facilities of transportation from there.

Mr. LINN, in reply to Mr. KING of Alabama, said that he really thought that the gentleman's State belonged to the West. He had always been very willing to claim Alabama as a western State. The position spoken of by the gentleman from Alabama had been recommended, when the resources of Missouri were not so well understood as they now were. When he was up before he remarked, that within the compass of twenty miles square, in Missouri, could be found all the advantages of water power, with the facilities of transportation to any part of the West, together with all the materials in the greatest abundance used in the manufacture of arms and ammunition; such as iron, copper, coal, manganese, zinc, ammonia, nitre, sulphur, and lead. He was perfectly willing that Missouri should enter into competition with Alabama, and to yield to the latter, if she could show superior advantages for an armory on her waters.

Mr. CALHOUN, after some remarks, renewed his motion for the indefinite postponement of the bill.

Mr. KING, of Georgia, said that, as respected additional armories, the report of the Secretary of War was decidedly averse to them. If an armory were established in the West, he thought one of those now existing ought to be abolished. The Secretary said that the present establishments could turn out about thirty or forty thousand stand of arms a year, and that there were about eight hundred thousand now on hand—a number, he should suppose, sufficient for the present wants of the country. He was not disposed, Mr. K. said, to increase the number of armories, but he would be very willing to support the principles of this bill so far as to establish depots for arms in the States where there were no arsenals. But, as it was suggested by the Senator from South Carolina, they had hardly time this session to act with a sufficient understanding of the subject, and he hoped the motion to postpone would prevail.

After some remarks from Messrs. LINN and WALL, in opposition to the postponement, the question was taken on Mr. CALHOUN'S motion, and it was rejected by the following vote:

YEAS—Messrs. Calhoun, Crittenden, Kent, King of Georgia, Knight, Mangum, Moore, Page, Preston, Robbins, Southard, Swift—12.

NAYS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Goldsborough, Hendricks, Hubbard, King of Alabama, Linn, Nicholas, Porter, Robinson, Ruggles, Tallmadge, Tipton, Walker, Wall, Webster, White, Wright—22.

After some remarks from Messrs. BENTON and BUCHANAN in favor of the bill, and from Mr. KING, of Georgia, in favor of the postponement, Mr. K. moved to lay the bill on the table; which motion was rejected: Yeas 16, nays 17.

Mr. KING, of Alabama, moved to strike out the armory in the South; and after some remarks from Messrs. CALHOUN and PRESTON, in opposition to the motion, it was carried.

Mr. KING, of Alabama, moved further to amend the bill by inserting the words "or Southwest." The effect of this amendment is to leave it to the discretion of the President to locate the armory either in the West or Southwest.

This motion was adopted.

On motion of Mr. WEBSTER, the arsenal of construction at St. Louis was stricken out; after which

The bill was ordered to be engrossed for a third reading.

On motion of Mr. CLAY, the Senate proceeded to the consideration of executive business; and, after remaining for some time with closed doors, on reopening,

The Senate adjourned.

TUESDAY, JUNE 28.

RESCINDING RESOLUTION.

The following preamble and resolution, offered by Mr. WHITE, being under consideration—

Whereas, on the 28th day of March, 1834, the Senate of the United States adopted a resolution in the words following, to wit:

"*Resolved*, That the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and powers not conferred by the constitution and laws, but in derogation of both."

And whereas, upon the question whether said resolution should be adopted, it was decided by one fifth of the Senators present that the same should be taken by yeas

and nays, and the votes of the several members now stand recorded on the journal of the Senate:

And whereas the said resolution still remains on the journal of the Senate in full force, not rescinded, reversed, repealed, or annulled; and cannot now be expunged, cancelled, or in any way obliterated or defaced without violating that clause of the constitution of the United States which is in the following words, to wit: "Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of either House, on any question, shall, at the desire of one fifth of those present, be entered on the journal:"

And whereas each Senator, before taking his seat, was bound to take, and did take, an oath to support said constitution:

And whereas the President of the United States, in the late executive proceedings in relation to the public revenue, alluded to in said resolution, did not, in the opinion of the Senate, assume upon himself authority and powers not conferred upon him by the constitution and laws: Therefore, it is

Resolved, That the said resolution, and the opinion therein expressed, be, and the same hereby are, rescinded, reversed, and annulled; and it is hereby declared that the said resolution ought not to be considered as having had, or as now or hereafter having, any force or effect whatever.

Mr. WHITE addressed the Senate as follows:

Mr. President, by means not within my control, I have become so far connected with this subject as to consider it a duty to submit the resolution now under consideration, and to urge its adoption by such reasons as are satisfactory to my own mind. During our last session, the honorable Senator from Missouri offered a resolution, proposing that we should order the resolution of the 28th of March, 1834, to be expunged from the journal. When it was taken up for consideration, entertaining the opinion that the Senate had not the power to make such an order, I moved to amend the resolution, by striking out the order to expunge, and all which followed it, and inserting that the resolution should be rescinded, reversed, repealed, and declared to be null and void. The Senator from Alabama moved that the question be first taken on striking out the word "expunge," and, after a very short debate, it was stricken out by almost a unanimous vote; and then, upon the motion of one of the Senators from Massachusetts, the subject was laid on the table. At this session we have a proposition, which is now on the table, for a qualified or limited expunging. Still believing my first impressions on the subject were correct, I have ventured to submit my resolution, and upon it will desire the decision of the Senate.

The first position assumed in the preamble to my resolution liable to doubt is, that we have not the power to expunge from our journal the resolution of the 28th of March, 1834.

Our Government is republican, and, by the constitution, it was intended that all agents in the different departments of it should be responsible for their public conduct. With a view to secure this accountability, so far as the two Houses of Congress are concerned, and also for the purpose of perpetuating a knowledge of what should be done by them, it is provided by the constitution of the United States, 5th section of the 1st article, that "each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one fifth of those present, be entered on the journal." Generally, that interpretation of the constitution, or of a statute, is the true one, which would be put upon it by a common man. It appears to me very clear that were a common man asked what did the framers of the constitution mean should be done, when they used the language just quoted, he would answer, that each House should have faithfully recorded the proceedings of each day, and carefully preserve the book in which they were recorded. To determine the meaning of this word "keep," we are not to look into a glossary to see how many different definitions we can find, but to the *context* and to the *object* the framers of the constitution wished to attain. Each House is directed to keep a journal of its proceedings, and from time to time publish the same. The object evidently is, that the body itself may at all times know what it and its predecessors have done, and that the constituent may also know what has been done, and by whom.—[*Bayard's Exposition of the Constitution*, p. 58.]

If, as soon as we have recorded our daily proceedings, we have performed the whole duty required by this clause, and may then burn, tear up, obliterate, or expunge the jounrnal, the whole object will be defeated. The convention were aware that neither House would be always in session, and that, when in session, the members themselves could not, in person, keep the journal; provision is therefore made in article 1, sections 2 and 3, that each House shall have power to appoint the necessary officers. Through officers thus appointed, the journal is kept and preserved, as the records of courts are kept and preserved by their clerks.

We are not only to keep the journal, but from time to time to publish the same. The journal which is kept is the one which is to be published; not once only, but from time to time. If we admit that after our proceedings have been once published, then we may expunge, how shall we comply with the injunction to publish from time to time? Those to whom the printed copies have been delivered are under no constitutional obligation to preserve their copies. They may be destroyed at pleasure. Upon their care we must depend to enable us to publish a second or third edition; yet we have been directed to keep, and from time to time publish. Again: if we do not publish a second or third edition from our own journal, having expunged some of our proceedings immediately after the first publication, then the first edition and the subsequent ones will not agree, because the expunged proceedings will not appear in the last publications, no matter whether the expunging is considered literal or figurative. And, what will make the matter worse is, there will be no record in charge of our own officer, by which to prove which edition is a true copy.

The provisions in the 7th section of the same article strongly support the construction for which I contend:

"Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and, if approved by two thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House, respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the

Congress, by their adjournment, prevent its return; in which case it shall not be a law."

The like ceremonies are to be gone through in relation to orders, resolutions, or votes, in which the concurrence of both Houses is necessary. Now, sir, is any gentleman prepared to say that, in any case arising under this section, we have the power to expunge the journal? If we cannot, how can we in any other case? The language requiring us to keep a journal of our proceedings is as strong and imperative as the language of this section requiring the President's objections to be entered on the journal, and the names of the voters to be recorded. The same solemn guards are thrown around both; and if we now have the power to expunge the journal of March, 1834, we also have the power to go back and expunge from the journals the proceedings in relation to any veto sent to us by any President.

To keep a journal of our proceedings must mean that we shall have them faithfully recorded, and then the record carefully preserved; otherwise, the whole context is disregarded, and the great object of responsibility of legislative agents defeated. Let us, for a moment, consider some of the familiar cases put by the other side. We employ a man "to keep the door." After he has opened it, and let some person in or out of the House, surely he is not at liberty to break the door. A man employs a person to keep his house. After the house is put in good order, the housekeeper is not at liberty to break or burn the furniture, or to expunge it, by making black marks around it. A merchant employs a person to keep his store and books. After the day's or week's work is over, the clerk is not at liberty to tear out or expunge any of the entries, showing the goods sold, or the cash received; yet all these things might lawfully be done by these different persons, if the arguments in favor of expunging our journal are correct.

It has been sometimes urged that each House has a discretion as to the matter that shall be put on its journal. This, to some extent, is true, but cannot affect my argument. Each House is forever bound to put enough matter on the journal to show on what subjects it acted and the decision of the body on each subject. To prove this discretionary power, it is said we may select for publication such parts of the journal as we please, and keep the rest secret. It is true, by the clause under consideration, each House is bound to keep a journal of all its proceedings, but may refrain from having published such parts as the public interest requires should be kept secret. This power to refrain from publishing is expressly given, and therefore may be legally exercised. It is, with me, conclusive to show that we are bound always *to preserve* the journal. Parts of it we need *not publish*. Now, if we are not bound to preserve the record of our proceedings, there would be no evidence in existence of what had been done upon those subjects in relation to which the journal had not been published.

Again: we have the express power given *not to publish* some parts of our proceedings; if, in addition to this, we assume the power which is not given, to expunge what we please, we may, and probably will, some time choose not to publish some proceeding which would not be acceptable to our constituents; and then, after it had performed what we intended, we could expunge it, and thus evade all that responsibility intended to be secured. It is said the journal is nothing but inducement to some other matter more important. This opinion I do not think is well founded. The journals, so far from being considered as merely introductory, or inducement to something more important, and therefore in our power to dispose of as we please, ought to be viewed as sacred, because they contain the only evidence of the judgment of the representatives of the people upon the different subjects acted on; they are the very essence, or, as the lawyers term it, the gist of the whole matter.

In our free and happy country our laws are binding, because they contain the will of the people themselves, expressed by their representatives, in the mode pointed out in the constitution. The journal is the only evidence of this will. An act is not binding because it is signed by the presiding officers of the two Houses, but because it is the expressed will of a majority in each House; and the journal is the highest evidence of this will. At the last session, by some mistake, a bill, which our journal shows was indefinitely postponed, was signed by the presiding officers and by the President. It was no law, although it had the form of one. It wanted the essence, the will of a majority of one of the Houses, and the journal of that House is the highest and only evidence of the defect. I therefore deny that we have any power to expunge, on the ground that the journal is mere inducement to something more important. But, again, even if it were only inducement, I deny, on that account, we have any power to disobey a command of the constitution. It says we *shall* keep a journal of our proceedings. We call Heaven to witness we will obey this command. In consequence of this solemn promise, we are intrusted with matters of the highest interest. We have faithfully recorded one of our proceedings, but afterwards tear or blot it out, or expunge it—that is, prick it out—and are called upon for the reason, and answer, it was of no consequence, because it was mere inducement to something else. The excuse ought never to be admitted; if it is in one case, it might be in every case. We may obliterate, expunge, or burn, the whole.

It is further urged, if the whole record is destroyed, after the journal has been published, it makes no difference, because each printed copy is the journal. This I think an entire mistake; the printed journal is only a copy of the original, and, although it may be admitted as evidence in court, it is only because it is supposed to be a true copy of the original, and it has been printed by public authority; and because you cannot procure the original, it being the duty of the Secretary to keep it in his own possession. The original is the best evidence; and the party is only excused from producing it because he cannot procure it. Suppose the copy offered not a true one, the error is always corrected by having recourse to the original.

Again: if all these printed copies are originals, and we order the journal to be expunged, we must make our Secretary apply the process to each copy; if he does to one, and not to all, they will vary from each other; and if we apply the process to the original, and not to the printed copies, every copy will vary from the original. The journal of 1834 has been published—many copies of it—the obnoxious resolution with the rest. Suppose we now expunge it, actually or figuratively, and then publish another edition, the resolution would not appear in the last edition, and thus it would vary from that now in existence. If we decide that the printed copies are to be considered as the originals, and not copies merely, it appears to me we endanger the purity of our whole proceedings. It will be very easy for those who are ingenious in villany to print with our mark and impose on the world spurious copies, and insert as our proceedings matters which never occurred.

It is thought we err in giving the same sanctity to our journal which is properly given to the records of courts of justice; which, it is admitted, cannot be expunged or altered after the term. In my opinion, our journal ought to be considered the most sacred of the two. The records of the courts only affect the private rights of individuals; our records affect all society. Records of courts are only required to be kept by legislative enactments; the records of each House of Con-

gress were not left to statutory enactments, but are required to be kept by the constitution itself.

Those who insist that we have the power to expunge, seek support from precedents; and it has been said that in the sixth year of the reign of Henry VIII. it was enacted that a record should be kept of the leaves of absence granted to different members of the Parliament. And from this it is argued that Parliament was bound by law after that time to keep a journal; and if they expunged any of their proceedings, so may we. To this I answer, that the expunging of an entry made on the journal after that time, on any other subject than of giving leave of absence to a member, is of no more weight than if such a statute had never been enacted; and gentlemen had not produced, and I do not believe they can produce, a case in which either House expunged any such entry. The statute did not require a record to be made of any thing except leave of absence; and if any other proceeding was recorded in the same book, it was by some order of the House; and the same power could, at any time, order it to be expunged, just as well as if it had been recorded in any other book. Our constitution requires that we shall keep a journal of all our proceedings; and we ought to preserve the whole with as much care as the Parliament did their leaves of absence.

By the articles of confederation, Congress was required to publish every month the journal of their proceedings; and from this it is inferred they were bound to keep a journal of all their proceedings. In the first place, I think this inference very far from imposing the same obligation upon the old Congress that is imposed on us by the present constitution. In the next place, if it did, what cases have gentlemen shown of any matter being expunged from their journals? None.

It were a useless consumption of time in me to notice in detail the different cases cited, to show that the journals have been expunged by both Houses in Great Britain, under the Colonial Government in Virginia, and in the State of Massachusetts; because the same general answer may be given to all. The Legislature was not required, by either a constitution or a law, to keep a journal. The journal was only kept by virtue of the order or usage of each House, and could be changed at any time, to any extent either House might think right. But a precedent has been referred to in my own State, and there the constitution does require that each House shall keep a journal. Gentlemen who rely upon this precedent have been misinformed. They have not named the case, but I can be at no loss as to what the reference is made. It must be the case of Judge Williams, who was impeached and tried; and to convict, the constitution required two thirds of the members. When opinions were expressed, there were two thirds for conviction, if absent members were not counted; if they were, there were not two thirds. Upon this point there was a great variety of opinion, and ultimately the presiding member discharged the Judge as acquitted. On the next morning, when the journal was read, a member moved to correct it, because the court had authorized no such order. This motion, it will be perceived, was in a court; therefore, no precedent for us. Next, it was not to expunge any thing which the Senate had done, but to strike from the journal that which had been put there by mistake, and which the body never had ordered. Now, sir, if a man were set to search a case unlike the one before us, he could not do better than take the Tennessee case.

Two precedents have been referred to in the proceedings of Congress, upon which I will make one or two remarks.

On the last day of the session of 1806, two petitions were presented by a member of the Senate, complaining of the conduct of one of our courts. They were received by the body, and disposed of. During the same day a member moved to return the petitions, and to expunge the order for their reception from the journal; which was done accordingly.

The first observation I make is, that we are to keep a journal of our proceedings. In other words, at the end of each day our record ought to show the result of our judgment upon each subject before us. The journal of that day does not show this precisely. After the entry was expunged, the subject of those memorials was placed precisely where, in the judgment of that body, it ought to rest; and that was, that Congress should have nothing to do with it. I will illustrate my meaning by a familiar case. A merchant, in the forenoon, sells a bale of cloth to a customer, who pays him one hundred dollars for it. He enters the transaction on his journal. In the afternoon of the same day the customer returns, and asks the merchant to take back the cloth, and return him his money; with which request he complies; and, instead of encumbering his journal with another useless entry, he scratches out, or, in other words, expunges, the entry he made when he sold the cloth. After this expunging, his journal will show the exact truth relative to this bale of cloth; that is, it will give no account whatever of the transaction, because the cloth was his in the morning, and it is still his the next morning. If we expunge the resolution of 28th March, 1834, by an order now made, our journal of that day will be so altered as not to show the result of the Senate's judgment on that day upon that subject; therefore, there is no likeness in the two cases.

Again: if they were similar, the precedent ought to have no weight whatever. There was no time for either discussion or deliberation. Besides, this was done in high party times; related to an exciting topic—Burr's conspiracy—and the expunging was ordered by a strictly party vote.

The second case is that which occurred in the House of Representatives in 1822.

Mr. Randolph announced the death of Mr. Pinckney, who was not dead; and, for that reason, moved an adjournment. The adjournment took place; and the next day he moved that the reason assigned for the adjournment should be expunged, because it was not true; and it was accordingly expunged. In this case, what the House did was not expunged. It had, in fact, adjourned, and so the journal still shows; but the reason why they came to a decision to adjourn, being founded in mistake, was expunged.

Now, sir, the journal at this moment shows, as well as it did when the entry was made, the proceedings of the House on that day; and all the alteration produced is, that the reason for one of their acts cannot be known, as it is expunged. But in the case under consideration, to expunge would be to destroy all evidence of a decision itself; for which I insist we have no precedent in the case relied on. The truth must be, the members of the convention were well aware of all the precedents in Great Britain, and in our own country, which existed when they framed the constitution, and intended to leave nothing to the discretion of either House. They intended effectually to secure a just accountability from the representative to the constituent; therefore, they used in the constitution itself the imperative language, "Each House shall keep a journal," &c. Let us not, then, be misled by precedents which we fancy may bear us out. At best they are nothing "but crutches on which weak minds sustain themselves;" and if we are sustained by these precedents in expunging the resolution of 1834, the precedent which we will now make may sustain those who come after us in expunging important principles from the constitution itself.

It is urged that the mere act of expunging the journal

is not a matter of any importance; it is the effect or moral of the resolution which it is desired to remove. Why not adopt my resolution, then? No man can doubt our power to rescind, repeal, and reverse, the resolution. The bad moral taught by the resolution will be removed by the subsequent decision pronouncing the former one to be erroneous. But it is thought best to use the word "expunge," as, by the use of that word in parliamentary proceedings, the principles of civil liberty have been maintained in other countries. If it has been always used for wise and good purposes elsewhere, let us be cautious that we do not so use it as eventually to produce mischief in this the most free and favored country in the world.

It appears to me, however, that this word, like every thing else over which we have no control, has been sometimes used when correct principles were asserted, and, in other instances, when the reverse was the case. When King James entered one of the Houses of the British Parliament, and with his own hand expunged the journal; when the House of Lords expunged the recognisance entered into before the Lord Mayor of London; and when the journals of the Virginia Legislature were expunged, or attempted to be expunged, during the Colonial Government, it was not the watchword of the friends of liberty. I am not aware that it ever has been used, and I fear it never will be used, in aid of civil liberty, or the rights of man, when the process is resorted to to gratify the feelings of those in power, who are generally too prone to believe liberty is attacked whenever any portion of their conduct is disapproved, or there is any attempt to impose restraints on their liberty to do as they imagine is most for the public good.

Mr. President, I propose in the next place to examine the soundness of the reason assigned why we may and ought to expunge.

It is briefly this: that, as the Senate is the tribunal established by the constitution to try the President when impeached, it is unconstitutional to pass a resolution which charges him with a crime for which he might be impeached; and that this resolution not only charges, but convicts him of a crime. I do not concur in this opinion, and beg leave to assign my reasons for dissenting from it.

Under the constitution, the powers of the Senate are judicial, executive, or legislative; judicial, when trying impeachments, executive, when advising the President in relation to treaties, or as to the persons to be appointed to office; legislative, in making laws, and in every thing connected with making, amending, or repealing them. [Constitution U. S., art. 1, sec. 1.]

The power of the Senate in all legislative matters is equal to that of the House of Representatives in all respects, with the single exception, that bills to raise revenue must originate in the House. In the discharge of any legislative or executive duty, any individual member may say in his place that the President, or any other civil officer, has assumed powers not conferred upon him by the constitution or laws. What any one may lawfully say, every other may say with equal propriety. What any one or all may say, individually, all, or a majority, may, with propriety, express by way of resolution, which is nothing but an expression of the opinion of a majority on a given subject.

The objection to this resolution is, that it charges the President with, and convicts him of, a crime, for which he may be impeached by the House; and, in that case, it would be the duty of the Senate to try him; therefore, it was unconstitutional to adopt the resolution.

To this I answer, first, if it were an unconstitutional act to pass the resolution, it furnishes no reason why it should be expunged. If it did, we might go back and expunge from the journal every thing which had been done by political opponents, from the adoption of the constitution, which we chose to say was unconstitutional; all entries relative to the alien and sedition laws, chartering of banks, &c. These entries, which we deem violations of the constitution, of all others, are the ones we ought to desire should stand. By them the disgrace of political opponents would be perpetuated. Were I one of a majority who voted for such unconstitutional proceedings, I would feel very grateful to opponents who would wipe out, or expunge, the evidence of my disgrace so soon as they obtained the power.

But again: we find in the constitution, first article, third section, these words:

"Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law."

And, in article two, section four, the language following:

"The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

To my mind it is very clear that neither the President nor any other civil officer can be impeached, unless he is charged with some crime. The question then is, does the resolution of the 28th of March, 1834, charge the President with the commission of a crime? It is in these words:

"*Resolved*, That the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and powers not conferred by the constitution and laws, but in derogation of both."

It is with this resolution, and this only, we have to deal. As to what the bank or its agents had said or done, or as to the arguments or speeches of gentlemen, the Senate has given no opinion; and, upon the question now pending, we have nothing to do with them. I affirm that this resolution does not impute to the President any crime or misdemeanor whatever. There can be no such thing as a crime, without a bad motive. The resolution is entirely silent as to the motives by which the Chief Magistrate was governed. It therefore charges nothing but mere error of judgment. It alleges he assumed powers not conferred by the constitution or laws; but whether the motives which induced him to assume these powers were virtuous, or the reverse, is not stated. If they were to promote the public good, and he honestly believed the powers he assumed had been conferred, although he might be mistaken, yet he ought to be applauded as a patriot, instead of being censured as a criminal.

Intention to do wrong—bad motives—are the essence of crime; and without them there can be no such thing. In this very case, if, in every act the President did, he mistook his powers, but still acted from high and pure motives, no honest tribunal upon earth could convict him of crime. This new doctrine of crime without evil intent has no sanction in morals, in reason, or in any adjudged case. The only cases referred to for its support are the impeachments against Judges Chase and Pickering. In the first of these, it is true, some of the articles of impeachment did not charge bad motives, but upon those he was acquitted without a dissenting voice.

In Pickering's case, the question was whether he was sane or not. He had been a highly respectable man, but acted badly on the bench; and it was alleged he was deranged. It was answered, if he was deranged, it was from intemperance, and therefore an aggravation of the offence; and on that ground he was convicted. God

forbid that a doctrine so unreasonable, so inconsistent with our imperfect condition, as that of crime without evil design, should ever be sanctioned anywhere, especially here. You and I are obliged to act in this very question; it is our public duty to form opinions, and act upon them; we disagree; must one of us be guilty of a crime? Look at the situation of courts. A cause is tried before two judges in an inferior court, and they disagree; must one be a criminal? A writ of error is taken from an inferior to a higher tribunal, and the judgment reversed; are the judges of the court to be viewed and treated as criminals? If they are, suppose there to be a still higher tribunal, to which the same cause is carried, and the last decision reversed, and the first established: what are you to do then—punish the second set of judges?

In the federal circuit courts, a judge of the Supreme Court and the district judge decide a cause; a writ of error is taken to the Supreme Court, where the same judge forms one of the court, and he concurs with his brethren in reversing his own decision. What is to be done with him? According to this strange doctrine, he is obliged to be guilty of a crime, because he has decided against himself. Away with such doctrine; it is absurd. Error and crime are as distinct as the motives by which angels and devils are governed.

The great error in the argument on the other side is occasioned by not attending to the distinction between the acts of private citizens and public officers. A private individual does an unlawful act; the law presumes he did it from bad motives; because, so far from being compelled to act, it was his duty not to act. In the case of a public officer, he is compelled to act; he is sworn to do so; and whenever he does an official act, the presumption is that his motives were good, although the act may have been contrary to law. If the law were not so, no honest man, conscious of his defects, would ever fill an office. He is bound to act—sworn to do so; and when he uses all the means within his reach to inform himself, and exercises his best judgment, he is innocent, whether his acts are lawful or the reverse. This distinction between the acts of individuals and of public officers runs through all the cases which can be found in our books. The acts spoken of in the resolution as assumptions of power, in derogation of the constitution and law, were acts done by the President in his official capacity; therefore, the resolution imputes to him no criminality whatever.

The Senate unanimously adopted a resolution against the late Postmaster General, condemning some of his acts as unlawful; but it charges him with no crime. If error is hereafter to constitute crime in our public officers, I should like to know who is to be judge. Who feels that he has the infallible standard? If any one will say "I have it," my word for it, if you will cultivate his acquaintance, you will soon find he wants the common requisites—integrity and talents—essential to constitute a tolerable judge.

If we expunge the journal, then we will have established the doctrine that, in every case, a President, or any other civil officer, may assume authority and powers not conferred by the constitution and laws, but in derogation of both, and we dare not say that is our opinion. Against such a doctrine I enter my protest. We not only have the power, but it is our duty to exercise it whenever such a case occurs. Suppose the President to nominate for some office a man who already holds the office of governor or judge; I surely would have a right to say I will not vote for him, because I think he has, in the office he now holds, assumed powers he did not possess, and therefore I will not trust him farther. After having said so, if he is impeached, I cannot be challenged and excluded from sitting as one of his triers. I have charged him with no crime; and, having given an opinion that his conduct was unlawful does not disqualify me. If this were so, we must reverse the whole order of things; and whenever a judge is called on to decide a cause similar to one he had before decided, we must exclude him, and appoint some other; whereas the common impression has ever been, that the judge is the better qualified for having examined and previously decided the same or a similar question.

In England a peer cannot be challenged because he has previously given an opinion; nor can a Senator here. They are judges, having a right to decide the law as well as the facts of the case.

But the Senate heretofore attempted to exercise this very power in the case of the Panama nominations. Mr. Adams, (I beg pardon, the late President,) in his message, told us he had the power to have sent ministers without consulting the Senate, but, as they were soon to be in session, he thought it best to delay the appointments, and consult them. A resolution was submitted, denying this claimed power, and a long discussion ensued. If we contested this claimed but unexerted power, can any one doubt but, if it had been exercised, we would have denied it by a resolution if we could? For one, I never doubted but the President honestly entertained the opinion expressed.

The subject of removing the deposites had been regularly brought before the Senate by the report of the Secretary of the Treasury. It was one on which we had a right to legislate. We had a right to know why it was done, and how it was done; to either approve or disapprove; to legislate upon it; to direct the money to be returned, or to be kept any where else; in short, to approve or disapprove what had been done. We could have thanked the Executive for his prompt attention to the public interest; for his efficiency in displacing one Secretary, who would not remove the money, and appointing another who would. Why, then, had the Senate no power to say that, in doing these things, he transcended his powers? To me it appears they had constitutionally the power to pass the resolution. But it then was, and yet is, my opinion that, in exercising this power, the Senate themselves erred when they resolved that he had assumed powers not conferred. I believed he had the power to remove the Secretary, and to do every other act then attributed to him, if he believed a proper case was made out for its exercise. Am I to be told by Senators who voted for the resolution that I committed a crime when I voted against them? I hope not. Nor am I at liberty to say they committed a crime when they disagreed in opinion with me. This is every thing the resolution charges the President with. He thought he had the power which he exercised; a majority of the Senate thought he had not, and so expressed themselves in the resolution, not questioning the purity of the motives from which he acted. By doing so, they did not assume any power not conferred on them by the constitution.

In Great Britain the House of Lords acts as a court. A writ of error lies there to remove a cause from the Court of King's Bench. Suppose a cause thus removed, and the judgment reversed, because the judges had assumed powers they did not possess; if they were afterwards impeached for so deciding, because they were bribed, could not the Peers try the impeachment? Undoubtedly they could. I cannot vote to expunge or deface our journal, because I think the constitution forbids it. I cannot assign as a reason for either expunging or rescinding the resolution that the Senate had no power to adopt it, because I do not think so; and because I think it of the last importance we should retain with the Senate those powers vested in it for high and important purposes, and which are, or may be, essential to pre-

serve the liberty of the people: but most willingly can I vote to rescind, reverse, and repeal, the resolution: because I think that the Senate erred in adopting it. To say the least, there are doubts of our power to expunge; and no one, I think, ought to be certain the Senate had no power to adopt the resolution. Why, then, shall we cling to the word "expunge," and to this reason, when there is a plain course to pursue, in which what is due to the Chief Magistrate and to ourselves can be accomplished? To me the reason is obvious. To expunge has become an executive measure. It is now the watch-word of a party; and, by its use, those are to be hunted down who will not conform to the will of the party. In March, 1834, when the resolution was adopted, a majority of the Senate was opposed to the Chief Magistrate. His long and valuable services have endeared him to the American people. They are sensitive as to every thing which can affect his reputation as a man or as an officer.

At the last session, the member from Missouri (I doubt not, from a conviction of the correctness of the procedure) submitted his proposition to expunge. The Chief Magistrate had made up his mind who should be his successor, and had determined to use all his personal influence and official patronage to secure his election. Whilst there was a majority of the Senate opposed to him, this patronage could not be brought to operate with full effect. Upon discussing the expunging resolution, the opinions of every Senator were expressed. The times of some were then expiring—the very day of voting. The venerable Chief Magistrate at once saw the use which could be made of this instrument, and he has given it his full influence ever since, under the hope that, through its use, the Senate could be expurgated; members whom he deemed unworthy of the station excluded; and their places supplied by others, in his opinion, more worthy. He seized the weapon, and has wielded it with all the effect he could. The cry "expunge" was raised, and has been continued. I shall speak of what I know, and what I believe to be true. The time of one of the Senators in my own State had expired. Members of the Legislature and of the House of Representatives were to be elected in August. The Chief Magistrate interfered, through the agency of others, in the elections to be made by the people, and in the election to be made by the Legislature. Does any one who hears me doubt this statement? He need not. The following facts will show, incontestably, that he interfered in the elections to be made by the people:

1st. His two letters addressed to the Rev. Mr. Gwin, which all who look into newspapers must have read. They were intended for publication, and were actually published.

2d. Besides the number of copies of the Globe itself, hundreds of which he has sent to Tennessee under his frank, he franked many copies of the prospectus for the extra Globe, which contains very little except misrepresentations and insinuations utterly unfounded and untrue. There can be no pretence that this was sent because it contained any speech, or any public document. There is no such thing in it. I hold one that he sent to Tennessee, frank and all, in my hand, just as received by the gentleman to whom it was addressed; and many others were scattered through the country under his frank.

3d. He wrote a letter to Mr. Curry, which was used in Colonel Standefer's district, with a view to influence public opinion.

4th. He wrote a letter to my colleague, a copy of which was furnished to Mr. Johnson, who used it in his canvass upon the stump, with a view to aid his election; and it must have been intended for such use when written, otherwise we must suppose my colleague abused the confidence of the Chief Magistrate, in permitting his letter to be applied to a purpose not intended by the writer.

These few facts, independent of many others which might be stated, satisfy me that he did interfere, and use his influence with the people to regulate their opinions in the elections.

Secondly. He interfered with the Legislature.

1. On the next day after they assembled, under his frank, each member received three numbers of the extra Globe, amounting to three hundred. Here is one of them, frank and all. Some of these Globes contain matter of the lowest kind, intended, no doubt, to disgust the members with their former Senator, and to prevent his re-election.

2. He wrote a letter to Mr. Nicholson, one of the members, which we have seen published in the newspaper, in which he complains of the former Senator for not defending him on the expunging resolution at the last session, and justifying the use made of his franking privilege.

3. He wrote a similar letter to Mr. Brown, another member, a copy of which I now hold in my hand.

4. He wrote to Mr. Guild, one of the leading members, a letter containing an argument to prove the propriety of instructing the Senators to vote for expunging the resolution of March, 1834, and urging the propriety of giving such instructions, and authorized Mr. Guild to submit it to the perusal of other members, which he did; and

5. From this place was sent to this same Mr. Guild a copy of the form of expunging, which the Senators were to be instructed to use; and this form corresponds, as I have understood, with that used in the resolution proposed at this session by the Senator from Missouri.

All these facts prove that the first object was to defeat the re-election of a Senator who, at the last session, had shown he would not conform his conduct to the will of the Chief Magistrate; and, when that failed, to cause such instructions to be given as it was known that that Senator could not obey, and thereby force him to resign. Both these objects failed. The Senator was re-elected, and the Legislature would not give any instructions.

Mr. President, I have not stated these facts by way of complaint against the Executive. I perhaps am, least of all others, competent to judge whether such a course was in conformity with his station or his peculiar situation; but I state them that justice may be done to the independence of the Legislature, and to their determination not to be persuaded or forced from what they thought to be the path of duty. Their course is the more commendable, when it is remembered they sat within a few miles of his residence; were surrounded by his personal friends; and that they themselves can furnish from their own body many of his earliest, firmest, and most undeviating political and personal friends. Let it be remembered, also, that they then were, and now are, the firm and unflinching supporters of his administration, upon every point where his measures conform to the principles avowed to bring him into power. Yet they would not, and did not, give their Senators any instructions upon this question. They were willing to trust them without instructions upon this as well as other points; and on this account it is that I feel myself under higher obligations to endeavor to carry out the will of my State upon this subject, than I should have been if formally instructed.

My opinion had been expressed, and was well known; I believe it conforms to the opinion of my State and its Legislature; and I hold myself especially bound to endeavor to have it effected by the adoption of the resolution which I have submitted. Those who believe that either I or the people of my State are opponents of the

administration, mistake our character. Our politics are as they have been; we now stand on the same ground, advocate the same principles we did in 1828, when sustaining General Jackson to bring him into power. But we are the slaves of no man; and when it is attempted to ingraft on our principles a system which does not belong to them, I will not yield my assent, be the consequences what they may. My wish is to rescind, reverse, and repeal, the resolution of 1834, because, in my judgment, it is erroneous, and because I believe such is the judgment of my State. To vote to expunge it, I cannot; because, in my opinion, the constitution forbids it; and, anxious as my constituents are to vindicate the character of the Chief Magistrate, they will never require me to do so at the expense of that sacred instrument, which we are all under the most high and most solemn obligations to maintain inviolate.

Mr. WALKER expressed the grounds on which he should vote against the resolution.

The yeas and nays being ordered, the question was taken on the rescinding resolution, and decided as follows:

YEAS—Messrs. King of Georgia, White—2.

NAYS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Clay, Clayton, Crittenden, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hubbard, Kent, King of Alabama, Knight, Leigh, Linn, Nicholas, Page, Rives, Robbins, Robinson, Ruggles, Swift, Tomlinson, Walker, Wright—28.

So the resolution was negatived.

Mr. WRIGHT presented certain resolutions of the Legislature of New York, instructing their Senators to support Mr. BENTON's expunging resolutions. Mr. W. said that he had had these resolutions in his possession for some time, and had only delayed presenting them till the subject was called up in the Senate.

Mr. CLAY observed that, as the resolution of the Senator from Tennessee was disposed of, he thought it would be proper to take up the other resolution on the same subject and dispose of it also. He had not the charge of these resolutions, and would therefore make no motion.

Mr. CLAYTON said that he would move to take it up. He did not wish to make a speech on it, but having been instructed by his Legislature to vote against these expunging resolutions, he wished to record his vote in obedience to his instructions.

Mr. WRIGHT observed that there were only thirty Senators present, and he hardly thought gentlemen would take a question of such importance when the Senate was so thinly attended.

Mr. BENTON said that he had intended to ask for the vote on his resolution after the resolution of the Senator from Tennessee was disposed of, or rather to give notice of the hour when he would call it up, in order that there might be a full attendance of Senators when they came to the vote. If 12 o'clock to-morrow was agreeable to the Senate, he would call up the resolution at that hour.

Mr. CLAYTON expressed his concurrence in Mr. BENTON's notice, and withdrew his motion.

JOSEPH GRANT.

On motion of Mr. KNIGHT, the vote by which the bill for the relief of Joseph Grant had been ordered to a third reading was reconsidered.

It was then moved by Mr. KNIGHT to strike out the amendment which secured from harm those who had used the invention (for hat bodies) since the patent had expired, which this bill was intended to renew.

Some discussion took place, in which Mr. RUGGLES, Mr. WRIGHT, Mr. PORTER, Mr. CLAYTON, Mr. CLAY, Mr. PRESTON, Mr. KNIGHT, and Mr. NILES, took part.

The ayes and noes were then demanded by Mr. WRIGHT, and ordered, on the motion to strike out.

The question was then about to be taken, when Mr. HUBBARD moved to lay the bill on the table; which was decided in the negative: Yeas 18, nays 20.

The question was then taken on the motion to reconsider the vote amending the bill by inserting the proviso, and decided in the negative: Yeas 18, nays 19.

The question was then taken on the engrossment of the bill, and decided in the affirmative: Yeas 19, nays 17.

[This bill was to renew a patent, expired perhaps two years ago, for a machine for making hat bodies. Since the expiration of the patent, the invention had fallen into the public hands, and was now in common use. Mr. RUGGLES introduced an amendment to secure to those who have the machines the right of using them, notwithstanding the renewal of the patent. The bill had been originally ordered to be engrossed, with this amendment ingrafted upon it; but as it was complained that this prevented the patentee from making any advantage of his invention, the motion to reconsider was made.]

PATENT OFFICE.

On motion of Mr. RUGGLES, the Senate took up the bill providing for a building for the accommodation of the Patent Office, the bill being on its third reading.

Mr. CLAY called for the reading of the communication made by William Brent and others, offering to sell the old brick capitol to the Government, for the use of the Patent Office; which being read,

Mr. RUGGLES laid before the Senate a communication from the chairman of the committee of the other House on the subject; which was read; and after some remarks from Mr. RUGGLES in support of the bill, and from Messrs. CRITTENDEN and CLAYTON in opposition to it,

Mr. CLAYTON moved to recommit the bill to the Committee on the Judiciary, with instructions to report a bill providing for the purchase of the building formerly used for the temporary accommodation of Congress; and after some remarks from Messrs. RUGGLES, CLAYTON, and CALHOUN, the motion was rejected by the following vote:

YEAS—Messrs. Bayard, Black, Clay, Clayton, Crittenden, Davis, Goldsborough, Kent, Leigh, Moore, Nicholas, Page, Porter, White—14.

NAYS—Messrs. Benton, Buchanan, Calhoun, Ewing of Ohio, Hendricks, Hubbard, King of Alabama, King of Georgia, Linn, Morris, Niles, Preston, Rives, Robinson, Ruggles, Swift, Tomlinson, Walker, Wall—19.

Mr. RUGGLES moved to amend the bill by adding the following proviso: "providing a contract can be made for the erection and completion of the same in a workmanlike and faithful manner, for a sum not exceeding $108,000, to include all expenses whatever;" which amendment was agreed to; and on the question, Shall this bill pass as amended? it was decided in the affirmative: Yeas 20, nays 11, as follows:

YEAS—Messrs. Bayard, Benton, Buchanan, Calhoun, Ewing of Ohio, Hendricks, Hubbard, Kent, King of Alabama, King of Georgia, Linn, Nicholas, Niles, Page, Robinson, Ruggles, Swift, Tomlinson, Walker, Wall—20.

NAYS—Messrs. Black, Clay, Clayton, Crittenden, Davis, Goldsborough, Leigh, Moore, Porter, Southard—11.

JOHN BRAHAN.

On motion of Mr. MOORE, the Senate proceeded to the consideration of the report of the Secretary of the

Treasury, in answer to a resolution of his on the subject of money paid by the legal representatives of the late General Brahan to the United States district attorney for the northern district of Alabama, and by him paid into the hands of certain men in Madison county, Alabama.

Mr. MOORE said he had introduced the resolution which had brought forth the report and accompanying documents as a response, under a sense of official public duty, in consequence of rumors having obtained currency deeply implicating the Treasury Department, the United States district attorney for the northern district of Alabama, and others, concerning a loan of public money, amounting to something like thirty-six thousand dollars, to Caruthers & Kinkle, and others, in Alabama, for one, two, three, four, and five years. In order that others may fully understand the history of this transaction, it would be necessary to bear in mind that, in 1819, the late General Brahan became indebted to the Government for about eighty thousand dollars; and upon his executing deeds of trust and mortgage, upon real and personal property, which gave the Government full and ample indemnity, indulgence had been given him in his lifetime, which had been extended to his legal representatives until a short time past; and now, he presumed, in consequence of the very great exigency and straitened condition of the public finances at present, the Department was not permitted to give longer indulgence, and that the Executive had been required to coerce payment from the estate; which having been done, and the money paid into the hands of the district attorney for the northern district of Alabama, he, in pursuance of what he presumed to be his instructions from the Treasury Department, had paid the same over to Caruthers & Kinkle, and others, on a loan upon time, and still holding the estate of the late General Brahan responsible for the final payment of the debt.

Mr. M. said, from the conspicuous situation these beneficiaries and recipients of the favor of the Treasury Department occupy in the correspondence now before the Senate, it may not be improper to inquire who they are, and more particularly as regards Caruthers & Kinkle. Sir, said he, these gentlemen are celebrated in their section of country as being warm and enthusiastic political partisans, great favorites of the administration, and particularly of the Post Office Department, from which they have heretofore (not under the present head of that Department) obtained all the important mail contracts in that section of country; and having risen to affluence by a liberal participation in the extra allowance system, they take "Turner also," *Simon Pure*, into the firm, who, by carrying religion on his lips and politics in his heart, had rendered himself acceptable to the party. The firm, the trio, have been loud and noisy politicians, "express great fears of the awful consequence of dividing the party; yes, the democratic party, in their estimation, ought not to be divided." They have been active, also, in exciting and prosecuting an unnatural and illiberal persecution against any public servant whom they thought had been too honest to sacrifice his principles and his honor for party considerations, who was too proud to become a fawning sycophant, and too independent to be as servile as some of their own party and they themselves were. And now, when from the laborious exertions of his honorable friend from Ohio, [Mr. EWING,] and his colleagues on the Committee on the Post Office and Post Roads, to whom the public owe much for the exposure of that mal-administration and system of favoritism and espionage that had bankrupted the Department, and which exposure had put a stop to the extra allowance system, these gentlemen abandoned many of their contracts for carrying the mail, and became successful applicants for the loan of the public money, in order to carry on large land speculations, which promise greater advantages than mail contracts without extra allowances. For he was informed, upon good authority, that Caruthers went forth with the money to the great land market, for the purpose of investing it in land speculations. It was necessary that he should be in a hurry, because he had good reason to believe that the heirs of General Brahan might complain, (as they have done,) and cause an examination to be made into the transaction, which might produce utter disappointment.

And although he would not say that the head of the Treasury Department had been wilfully derelict in duty, yet he would say that he thought the whole correspondence authorized a strong suspicion that he had not used due diligence in this matter, in order to prevent impositions. Sir, said Mr. M., will any one believe, if he had been so lost to a proper sense of what was due to himself as a public functionary, and those whom he represented, as to have interested himself for any political friend, that he could have obtained from the Treasury Department the use of thirty-six thousand dollars for five years, under similar circumstances? No, sir. No one knew better than did the President, [Mr. KING,] that his application, either for himself or his friend, would have been properly scrutinized; and the impropriety would have appeared glaring. Can any one doubt whether the Secretary of the Treasury would then have replied to the Solicitor of the Treasury so readily, and in such laconic style, "make the arrangement (forthwith) to-day?" Mr. M. said he was not so much opposed to these men having the use of this money—for he would as soon they should have it as for the pet banks to receive it and loan it out to other partisans—but his objection was to the manner in which it had been unnecessarily coerced from the worthy widow and heirs of the late General Brahan, whom he thought had more claim upon the public sympathy than those into whose hands it had been placed, whose only merit was their zeal, activity, and devotion, in party politics.

Sir, (said Mr. M.,) one thing most extraordinary was, that whilst the Treasury Department acknowledges the debt already well secured, and that "it had no right to substitute one debtor in the place of another for the same debt," that it should have seen the propriety and utility, as connected with the public interest, and a due regard to that justice which the worthy widow and heirs of the late General Brahan had a right to demand, of granting indulgence for the payment of this money, when a portion had already been paid into the hands of the executors, and the property sold and bonds obtained entirely sufficient to meet the payment of the remainder, and upon application not made by the widow and heirs or legal representatives, but those unconnected with the estate; but for the estate to be held still responsible for the final payment of the debt virtually already discharged, whilst others have the use of the money for speculative purposes, was truly "the unkindest cut of all." Sir, (said Mr. M.,) men are so ignorant and blind as not to see the leading cause which influences these men in their political course; why they inscribe on the door of their mail coaches the name of the heir apparent "in large capital letters;" why they cry out so loud, "don't divide the democratic party;" yes, "the lovely democratic party" "must not be divided;" why the Governor of Alabama appoints the senior contractor his aid-de-camp, and why his aid franks him and his slavish creatures in turn through all their line of many contracts.

Sir, (said Mr. M.,) is it not a little surprising that this military Governor should have permitted his patriotic and military aid to go in pursuit of large land speculations, instead of accompanying him to the Creek nation in pursuit of that rich harvest of military glory and military laurels which have been so profusely heaped upon

him of late? But, sir, to be serious. The plain English of all this is, they do not want "the spoils divided;" they want "all the loaves and fishes," all the money themselves; and to obtain it they are willing to become "man-worshippers" and mere subalterns in the ranks of unprincipled partisans.

Mr. M. said he would detain the Senate no longer; but concluded by asking that it would indulge him in his proposition to have the report and accompanying documents printed.

Here Mr. WRIGHT moved that the motion to print be laid on the table until to-morrow morning; which was agreed to.

After transacting some other business,

The Senate adjourned.

WEDNESDAY, JUNE 29.

COLONIZATION SOCIETY.

Mr. CLAY rose and said he had a petition to present from the citizens of a portion of Kentucky, recommending the Colonization Society to the favorable notice of Congress, and asking aid in its behalf. Mr. C. said it was too late, he was aware, for any action on the petition at this session; but he would take occasion to remark that, after all his experience and his observation of the course of the society, his convictions as to the utility of this great project remained without change; and he trusted that the society would hereafter receive a larger portion of the public favor than it had heretofore enjoyed. At present, he would merely move to lay the petition on the table; which was agreed to.

JOHN BRAHAN.

On motion of Mr. KING, of Alabama, the Senate resumed the consideration of the report of the Secretary of the Treasury, in the case of General John Brahan, which was yesterday laid on the table; and a discussion ensued, which lasted several hours, in which Mr. KING of Alabama, Mr. PORTER, and Mr. EWING of Ohio, participated.

Mr. MOORE said he had not been disappointed in the effort made by his colleague to palliate the censure which he thought was likely to fall upon the Treasury Department for the course it had pursued relative to this matter; but he could not believe he had been at all successful in that effort. Mr. M. said his colleague had been adroit in his attempt to change the true issue. He had done him the honor to refer to his course some three or four years since, in opposition to the bill for the relief of General Brahan himself. He would not deny that at that time he opposed the bill, believing conscientiously that, from the peculiar manner in which the debt had accrued, he, consistently with a duty he then owed those whom he represented, was bound to oppose it; and although he then differed from his colleague, the Senate then accorded in his views. But times had changed. The Treasury at that time was not overflowing. The wits of the best statesmen then had not been put to the rack in order to devise ways and means for its appropriation. The bill then was for the relief of General Brahan, for the reasons alluded to, which it was unnecessary for him to enlarge upon. It was true he opposed it from a sense of duty, but he could not admit that his colleague had done him justice in quoting some terms in which that opposition was made; in that he had been mistaken. But this was a matter foreign to the question before the Senate. He had, as a member of the Committee on Public Lands, been desirous that the bill for the relief of the widow and heirs of the late General Brahan should have received their favorable consideration, and was yet in hopes the Senate would pass the bill, and for this he did not consider himself as obnoxious to the charge of inconsistency. Times were different; the parties had changed, and the bill itself was a different measure. Again he said his colleague had unnecessarily and gratuitously volunteered himself in the defence of the honorable member in the other House who represented the district in which the parties resided, before any charge against him had been made; he had never mentioned his name in any remarks of his in connexion with this matter; his volunteering his defence, therefore, was altogether uncalled for. He knew his colleague was unwilling to see any thing like politics connected with the giving Caruthers & Kinkle and D. B. Turner the use of the thirty-six thousand dollars of the public money. It was natural for his colleague to be skeptical and unwilling to receive light on this subject, yet he hoped he would be willing to let the report and accompanying documents be printed, which would enable others to judge for themselves. Mr. M. said it was contended that all who had had any agency in this matter had acted with a view of promoting the interest of Mrs. Brahan and the heirs of the late General Brahan; but with such views the course pursued, he thought, was inconsistent, and not at all calculated to produce such a result.

If the indulgence and the use of the money had been sought for them, the application would have been made by them or the legal representatives; and if, as has been contended by his colleague, the object in giving the order upon the United States district attorney in favor of Caruthers had been only to suspend the final settlement of the matter until time was given to know the final action of Congress upon the bill now pending, why then he would say they had been very unfortunate in the means they had availed themselves of in order to effect that object.

With such an object in view, it seemed to him the order would have been different. Not that the "arrangement" should be made to-day, or immediately (he believed was the word;) but let a conditional arrangement be made by which these men may have the money for the use of the estate until the fate of the bill pending before Congress shall be known; but, in lieu of this, orders were given that these partisan gentry should have the benefit of the money for five years, unconditionally, and without consulting the widow and heirs immediately interested.

Mr. M. said he thought, as he had said before, that if the application for the use of this money had proceeded from those entertaining different political views, and by some who had been less distinguished as enthusiastic and zealous partisans, the application would have been more rigidly scrutinized, and the result different; but he was willing the public should have an opportunity of forming a correct opinion upon this subject, and, to enable it to do so, he hoped the report and documents would be printed; and they were ordered to be printed accordingly.

FORTIFICATIONS.

On motion of Mr. WRIGHT, the bill from the House making appropriations for the fortifications of the United States for the year 1836, was taken up; and Mr. W. went into an explanation of the details of the bill.

Mr. CALHOUN moved to recommit the bill to the Committee on Finance, with instructions to reduce the amount of appropriations, on the ground that it was impossible to expend so large a sum as that appropriated during the remainder of the year, economically or profitably. The old rate of expenditure for fortifications, he said, had never exceeded $800,000 in a year; and now it was proposed to appropriate, in time of profound peace, when there was not the slightest prospect of a war, in this bill, and the one that had been sent from the Senate to the House, at least four and a half millions

of dollars. He wished to know, and he earnestly desired gentlemen to answer him, why it was sought to make this vast and unusual appropriation at this time. Was it intended that it should remain locked up in the Treasury, or remain in the hands of the disbursing agents? It was perfectly clear, he said, that this money would not be required, and ought not be appropriated; and he therefore moved to recommit the bill with, instructions to reduce the appropriations one half.

Mr. CLAYTON did not consider the appropriations too high, considering that last year the fortification bill was lost, and that they were now appropriating for two years instead of one. In order to obviate the difficulties suggested by the Senator from South Carolina, as to the moneys remaining idle in the hands of the disbursing agents, he would submit an amendment, providing that it shall not be drawn from the Treasury until it is wanted for the expenditures authorized by the bill.

Mr. CALHOUN withdrew his motion to recommit, in order to give way to the above amendment by Mr. CLAYTON.

Mr. CLAY thought there was no inconsistency between the two propositions, to amend the bill as proposed by the Senator from South Carolina, with the view of reducing the amount proposed for fortifications, and to amend it as proposed by the Senator from Delaware, to restrain the issue of money from the public Treasury, except as it should be called for in a course of regular disbursement. Both might be well adopted, and he hoped would be.

He had, however, risen more particularly for the purpose of calling the attention of the Senate to the enormous and alarming amount of appropriations which had been actually made, or were in progress, during the session. He had procured from the Secretary of the Senate a statement of such as had been made by bills which had passed one or both Houses up to the 27th of last month, when it amounted to about twenty-five millions. Since then, other bills had passed, which swelled it up to thirty-two or three millions; and other bills were now in progress, and would probably pass, carrying it up to forty millions, or beyond that sum. Forty millions of dollars in one year, when we have no debt, and no foreign war! Will not the country be justly alarmed, profoundly astonished, when it hears of these enormous appropriations? Is it possible to proceed with the Government on such a scale of expenditure?

Why, sir, it is a greater amount than is appropriated to similar objects by the British Parliament, since its reform, in one year. The whole revenue of Great Britain is about forty-two millions sterling, of which sum twenty-eight millions is applied to the public debt, six to the payment of pensions, annuities, &c., and only about eight millions to the current annual expenses of the whole of their vast establishment, military and naval, and the civil Government at home and abroad. Now, forty millions of dollars exceed eight millions sterling. Who would have supposed that an administration which came in upon pledges and promises of retrenchment, reform, and economy, should in the eighth year of its rule have swelled the expenditure of the Government to an amount exceeding that of Great Britain? And this surprise must be increased when we reflect that the British Parliament stands to the people of Great Britain in the double relation of the Federal and State Governments to the people of the United States.

When Mr. Adams left the administration, the current annual expenses of the Government, exclusive of the public debt, amounted to about twelve millions. Only a few years ago a Secretary of the Treasury under the present administration (Mr. McLane) estimated the ordinary expenses of the Government at fifteen millions annually. Even during the present session, the able Senator from New York, when the land bill was under discussion, placed them, for a series of succeeding years, at eighteen millions. And now we propose, in this year, to more than treble the amount of expenditure during the extravagant administration, as it was charged, of Mr. Adams!

Mr. C. hoped the Senate would pause. He called upon the friends of the administration, in no taunting or reproachful spirit, to redeem the pledges and promises with which they came into power. If the love of country, if a faithful discharge of duty to the people, if a just economy would not animate them, and stay these extravagant appropriations, he hoped the devotion to party would. Could they expect to continue in power (and he candidly confessed that he was not particularly anxious that they should) with such unexampled appropriations? How can they meet their constituents with these bills staring them in the face?

And for what purpose shall they be made? Does any man believe, will any Senator rise in his place and say, that these immense appropriations can be prudently, safely, and wisely disbursed? He had, indeed, heard it was not expected they would be. He had heard, what was too wicked, profligate, and monstrous, for him to believe, that it was intended to withdraw the appropriations from the public Treasury, place them to the credit of disbursing officers, in the custody of local banks, and thus elude the operation of the deposite bill which has recently passed. That bill had been demanded by the people of this country. It had passed, from a profound sense of duty, in consequence of that demand, by unprecedented majorities in both Houses. And he would not allow himself for a moment to believe that a sinister design existed any where to elude the operation of that great and salutary measure. What, sir! is the money of the people of this country to be held in the deposite banks, one of which, according to a statement going the rounds of the papers, has made 14½ per cent. dividend for six months?

The annual average appropriations for fortifications heretofore have been about seven hundred and fifty or eight hundred thousand dollars; and by the bill now before us, and that for a similar object which we have sent to the House, if both pass, we shall have appropriated for fortifications for one year four millions and a half. Is it possible in one year judiciously to expend this enormous sum? When we look at the price of labor, the demands upon it, for an increase of the army, for volunteers, and for the general avocations of society, does any body believe that this vast sum can be judiciously laid out? It has been said that, having omitted to make any appropriation last year, we ought this year to appropriate double the ordinary sum. But, if you cannot safely expend it, why should that be done? He was willing to make large and liberal appropriations for the navy and for fortifications; we ought, however, to look to all our great interests, and regulate the appropriations in reference to a survey of the whole country; and he earnestly entreated the Senate to fulfil the hopes and expectations which had been recently inspired in the people of this country, by checking and puttiug itself decidedly against this rash, wild, and ruinous extravagance. He would vote for the commitment, to reduce the appropriations one half; after which there would remain an amount equal to double the ordinary annual appropriations, without including the sum in the bill now before the House.

Mr. WRIGHT opposed the recommitment in a speech of some length. He denied that the appropriations were unreasonable, considering that they were now passing a bill for two years, instead of one, in consequence of the loss of the fortification bill of the last year. He asked gentlemen to point out any particular item in the bill, and show that it was unnecessary and unreasonable. The

appropriations, he said, were all founded on estimates from the War Department, and made with a view to economy, as far as was consistent with the public service. Even if gentlemen were correct in their predictions, there could be no inconvenience in appropriating more money than would be expended within the year; for by the deposite bill just passed, it would all, after the 1st of January, be distributed among the States, no more being drawn from the Treasury than would be wanted for expenditure. In reply to Mr. CALHOUN'S argument, as to time, Mr. W. said that last year not a dollar was appropriated; and now that they were in the middle of the year, without having appropriated a dollar, they were told that they must not appropriate this money because it could not be expended. When, he asked, would another bill for fortifications be passed? Why, not before the 3d of March next; and the works would be stopped. Mr. W. said that gentlemen, in speaking of the heavy appropriations under this bill, did not seem to consider that there was a considerable amount appropriated in it that had no connexion with fortifications. Mr. W. then took a view of these items; such as arsenals, accoutrements for the volunteers and for the army, fire engines, to be distributed among the public buildings, &c. As to the amendment of the Senator from Delaware, he had no objections to it.

Mr. EWING, of Ohio, expressed his strong objections to appropriating at this time so much larger a sum than had ever been before applied to such objects; and contended that the experience of former years showed that when appropriations did not run over $800,000, large balances of it remained unexpended at the end of the year. He was satisfied that it would be impossible to spend more than one third of this money, from the want of engineers, and the difficulty of procuring labor and materials in sufficient quantities. If there was any one to blame for the lateness of the appropriation, it was the House of Representatives, who had kept the bill back to this time.

After some remarks from Mr. CALHOUN,

Mr. CLAYTON'S amendment was agreed to.

Mr. WALL moved to amend the bill by providing that of the appropriation in the 18th line, for Fort Delaware, the Secretary of War shall be authorized to expend a sum not exceeding $36,000, to perfect the title of the United States to the Pea Patch, in case it shall be his opinion, and that of the Attorney General, that such perfection of title is necessary.

An elaborate and lengthy legal argument grew out of this motion, in which the original and conflicting titles of the States of Delaware and New Jersey, and the title of the United States under Delaware, and that of Dr. Gale under New Jersey, was discussed with great force and ability. Messrs. WALL and SOUTHARD contending for the validity of the title of New Jersey, to show that the title of the United States was imperfect, and Messrs. BAYARD and CLAYTON contending for the validity of the title of the State of Delaware, and the perfection of the grant to the United States; the argument being principally between Messrs. WALL and BAYARD.

On taking the question, Mr. WALL'S amendment was rejected by the following vote:

YEAS—Messrs. Brown, Clay, Ewing of Illinois, Linn, Niles, Preston, Robinson, Southard, Tomlinson, Wall—10.

NAYS—Messrs. Bayard, Benton, Black, Clayton, Crittenden, Cuthbert, Ewing of Ohio, Goldsborough, Hendricks, Hubbard, Kent, King of Alabama, Leigh, Moore, Nicholas, Page, Porter, Rives, Robbins, Swift, Tallmadge, Walker, Webster, White, Wright—25.

Mr. CALHOUN then moved to recommit the bill to the Committee on Finance, with instructions to reduce the appropriations to an amount not exceeding one million six hundred thousand dollars.

After some remarks from Messrs. CALHOUN, CRITTENDEN, and EWING of Ohio, in favor of the motion, and from Mr. CLAYTON, in opposition to it, the question was taken and lost: Yeas 18, nays 20, as follows:

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Crittenden, Ewing of Ohio, Goldsborough, Kent, King of Alabama, Leigh, Moore, Porter, Preston, Robbins, Southard, Swift, Tomlinson, White—18.

NAYS—Messrs. Benton, Brown, Buchanan, Clayton, Cuthbert, Ewing of Illinois, Hendricks, Hubbard, Linn, Morris, Nicholas, Niles, Page, Rives, Robinson, Tallmadge, Tipton, Walker, Webster, Wright—20.

Mr. CLAY then moved to lay the bill on the table, for the purpose of going into executive business.

Mr. BENTON asked for the yeas and nays; which were ordered, and the question was decided: Yeas 16, nays 21, as follows:

YEAS—Messrs. Black, Calhoun, Clay, Clayton, Crittenden, Ewing of Ohio, Kent, Leigh, Moore, Porter, Preston, Robbins, Southard, Swift, Tomlinson, Webster—16.

NAYS—Messrs. Bayard, Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Hendricks, Hubbard, King of Alabama, Linn, Morris, Nicholas, Niles, Page, Rives, Robinson, Tallmadge, Tipton, Walker, White, Wright—21.

Mr. CLAY said he would make another effort to bring down the expenditures of this bill, and this would be the last effort he would make for arresting the enormous, extravagant, and alarming appropriations of this Congress. After some remarks, Mr. C. moved to recommit the bill with instructions to reduce the appropriations one third.

Mr. CLAYTON asked for a division of the question. He desired to see it taken on the question of recommitment first. He felt the force of the arguments of the Senators from South Carolina and Kentucky, and he was willing that the bill should be recommitted, in order that an examination might be made to see if any of the items could be reduced consistently with a due regard to the public service. But he never could give his vote to instruct the committee to bring down the appropriations to an arbitrary standard without considering what could or could not be properly reduced. Gentlemen talked of unprecedented, enormous, and alarming appropriations, and this might all be so, but he doubted it. He wanted gentlemen to put their fingers on a single item of this bill and show him that it could be dispensed with. He, for his part, could not see any that ought to be dispensed with. He knew that there were many items in this bill which were in the bill of the last year that was lost, and no man objected to them. Now gentlemen talked of the enormous appropriations in the aggregate, without showing any particular items that could be objected to.

Mr. CUTHBERT said that it was well known, in the first place, that this bill had not suddenly sprung up, and that it did not come before them without sufficient estimates. It came to them with the approbation of the other House, with whom appropriations usually originate. It was, therefore, not a little extraordinary that the Senators from South Carolina and Kentucky should indulge in a strain of invective and declamation, not to show that the appropriations were not suited to the exigencies of the country, but against the strength and capacity of the country to carry on the usual and ordinary operations in providing for its defence. Never before was it doubted that a nation had the strength and capacity to use the ample means at its own disposal. A most wonderful and profound calculation, that the power of a nation to provide for the security and happiness of its members was diminished in proportion to the abundance of its resources! He had no objections to a

full examination of the appropriations contained in this bill; but let it, he said, be made on just and correct principles, and not in accordance with the denunciations of the Senators from Kentucky and South Carolina. It was not the mere sound of pompous language and loud declamation that should weigh against the appropriations in this bill. Let gentlemen, as the Senator from Delaware had well remarked, point out the items that were extravagant or unnecessary; let gentlemen correct the estimates, and show that they were too high, instead of indulging in general denunciations. Convince him that any particular item was extravagant or unnecessary, and he would most cheerfully vote either to reduce or strike it out.

The debate was further continued by Messrs. WEBSTER, CALHOUN, PRESTON, and DAVIS, after which the question was taken on the recommitment without instructions, and carried: Yeas 24, nays 18, as follows:

YEAS—Messrs. Bayard, Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, King of Alabama, King of Georgia, Leigh, Mangum, Moore, Porter, Preston, Robbins, Southard, Swift, Tomlinson, Webster, White—24.

NAYS—Messrs. Benton, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hubbard, Linn, Morris, Nicholas, Page, Rives, Robinson, Tallmadge, Tipton, Walker, Wright—18.

After the consideration of executive business,

The Senate adjourned.

THURSDAY, JUNE 30.

The VICE PRESIDENT announced that he should not resume the Chair, during the present session, after this day.

EXPUNGING RESOLUTION.

Mr. BENTON, after a few remarks, in reference to the cause which prevented him from calling up the expunging resolution yesterday, said he left it to the Senate to act in reference to it as they might think proper.

After a few remarks from Mr. PRESTON, Mr. CLAY, and Mr. BENTON, the subject was finally dropped.

The remarks of Mr. CLAY were as follows:

Mr. CLAY said that he would take the opportunity of saying that it had been his fixed purpose, considering the relation in which he stood to the resolution of March, 1834, and to the Senate, as having offered it, to address the Senate on the subject of it. He was particularly desirous to have vindicated the resolution in the assertion which it contained of the exercise of executive power in derogation from the constitution and laws of the United States. After the fullest reflection, his judgment remained unchanged, that it was an exercise of illegal and unconstitutional power, and dangerous to the liberties of the people of this country. And if he could have seen a suitable occasion, after hearing all that could be urged against the resolution, he should have endeavored to maintain, by argument, that proposition. But it has been so treated, from time to time, taken up and laid upon the table, (the last time to afford an opportunity to the present Chief Magistrate of an eastern State to deliver his sentiments upon it, when he (Mr. C.) was detained from the Senate by the illness of a member of his family,) that he has not seen a fit moment when he could, according to his sense of propriety, address the Senate. It is now, as every Senator must feel, entirely too late in the session, when important public business was pressing upon both Houses, to protract the discussion upon this resolution. Mr. C. was anxious to have brought forward from the present democratic fountain in this country a precedent,* on all substantial points directly applicable, against the process of mutilating and expunging the journals of the Senate. But, solicitous as he was to discuss the particular topic, and to spread before the Senate the precedent to which he referred, he could not think of trespassing on the time of the Senate during the precious moments that remain. With respect to the final disposition to be made of the resolution, he was content to acquiesce in any decision the Senate might think proper to make. If it be its pleasure to take up the resolution and pass definitively upon it, without further debate, he would be satisfied.

The bill from the House to change the time for the annual meeting of Congress was taken up, and indefinitely postponed: Yeas 24.

The resolution from the House to change the joint rules so as to continue all unfinished business in both Houses over to the next session was indefinitely postponed.

TEXAS.

Mr. CLAY moved to take up the resolution reported by the Committee on Foreign Relations on the subject of Texas.

Mr. KING, of Alabama, suggested that the subject should be made the special order for the 4th of July, when legislative business shall be ended, this being the last day when bills can be sent to the House.

Mr. PRESTON moved to postpone the subject till to-morrow.

The question was then taken, and the consideration of the subject was postponed till to-morrow.

ARMORIES, ARSENALS, &c.

On motion of Mr. BENTON, the bill to establish a foundry or armory in the West, arsenals in the States in which none have yet been established, and depots for arms in certain States and Territories, was taken up.

The bill was supported by Messrs. WALKER, BENTON, WEBSTER, and LINN, and opposed by Messrs. CRITTENDEN and CALHOUN.

Mr. KING, of Georgia, said that, as he was in favor of some of the objects of the bill, it was with great reluctance that he voted against the bill, on account of some items that he could not approve. He could not at

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* We have procured from the printed journals of the House of Representatives of Pennsylvania the following extract, containing the precedent to which Mr. CLAY is understood to have alluded.—EDITORS.

"*Saturday, February* 10, 1816.

"The Speaker informed the House that a constitutional question being involved in a decision by him yesterday, on a motion to expunge certain proceedings from the journal, he was desirous of having the opinion of the House on that decision, viz: that a majority can expunge from the journal any proceedings in which the yeas and nays have not been called.

"Whereupon, Mr. Holgate and Mr. Smith appealed from said decision.

"And on the question, 'Is the Speaker right in the decision?'

"There were 3 ayes and 78 noes (including the two present Senators from Pennsylvania) against the Speaker's decision.

"On the same day,

"A motion was made by Mr. Buchanan and Mr. Kelly, and read, as follows, viz:

"*Resolved*, That in the opinion of this House no part of the journals of the House can be expunged, even by unanimous consent."

any time vote for a bill, any part of the object of which was the expenditure of money alone, without regard to national utility; and that this was a bill of this character seemed partially acknowledged by some of its friends. There was no fitness, he said, in establishing arsenals in every State, without regard to location or utility. And one half at least of the arsenals proposed would be as useless as would be a horse stable in the city of Venice. And as to the armory in the West, it was about as much called for as an additional Capitol, or a navy yard in the western prairies. Where was the necessity for it? We had now on hand upwards of 8,000,000 stand of arms, which he himself thought enough, as it was about as many as France or England had, with their large military establishments, and three times our population. The utmost that any one required was one million, and we now proposed to expend $555,000 for an armory, only required to expedite the supply of two hundred thousand stand of arms, not needed immediately, and he believed not needed at all; when the number required would be supplied from existing establishments before the work would be completed. In answer to all this, however, it was said that justice required an expenditure of money in the West. He could not subscribe to such a principle. The work was a national work, and if it were not necessary any where, it was not necessary in the West. If the Senator from Mississippi wished another depot in his State, let him have it; if another were needed in Missouri, let it be built; and if more were shown to be necessary any where in the West or elsewhere, he was ready to vote for them, but could not vote for works of enormous cost in the construction, and which would have to be kept up at a very heavy additional annual expenditure, merely for the purpose of expending money in any particular section of country.

In truth, Mr. K. said, the importance of these expenditures was greatly overrated by gentlemen. Wealth was never created in any community by a mere expenditure of money. Jobbers might be enriched by Government expenditures, but communities were only enriched by a steady increase of capital, and permanent investments increasing the quantity of valuable products. He could refer his friend from Missouri to an example, upon a small scale, of a community depending upon Government expenditure alone. He referred to the District of Columbia, whose financial condition the Senator himself had truly stated to be worse than that of ten miles square in any part of the globe, not excepting the deserts of Arabia. He thought uncertain expenditures in this country, where all the population were already well employed, was attended often with injurious rather than beneficial consequences, as the people are too apt to depend on expenditures alone. After referring to the subject of a national foundry, which, he said, he was disposed to vote for, that we might have a national establishment of this kind, although we were pressed by no necessity on this head, as we could be abundantly supplied with cannon from the existing private establishments, he concluded by regretting that he could not vote for the bill, in consequence of the objectionable items it contained.

The bill was then passed: Yeas 24, nays 15, as follows.

YEAS—Messrs. Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hubbard, Kent, King of Alabama, Linn, Morris, Nicholas, Page, Rives, Robinson, Ruggles, Tallmadge, Tipton, Walker, Wall, White, Wright—24.

NAYS—Messrs. Calhoun, Clay, Crittenden, Davis, Ewing of Ohio, Goldsborough, King of Georgia, Leigh, Mangum, Moore, Preston, Robbins, Southard, Swift, Tomlinson—15.

JOSEPH GRANT.

A bill granting a patent to Joseph Grant was read a third time, and passed by the following vote:

YEAS—Messrs. Cuthbert, Davis, Goldsborough, Hendricks, King of Alabama, Knight, Leigh, Linn, Mangum, Nicholas, Porter, Preston, Rives, Robbins, Ruggles, Swift, Tallmadge, Tipton, White—19.

NAYS—Messrs. Benton, Black, Brown, Ewing of Illinois, Ewing of Ohio, Grundy, Hubbard, King of Georgia, Moore, Morris, Robinson, Southard, Tipton, Walker, Wall, Wright—16.

FORTIFICATION BILL.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the bill making appropriations for certain fortifications of the United States for the year 1836, reported that the committee had had this bill under consideration; but it having been referred to them without instructions, and believing that no reductions could be made consistently with the public service, and in the absence of all information to show the propriety of such a reduction, they had come to the determination to report back the bill in the same state in which it had been referred to them.

Mr. W. moved to strike out the appropriations for arsenals in Missouri, Arkansas, and at Memphis, Tennessee, the same being included in the arsenal bill just passed; which was agreed to.

Mr. SOUTHARD moved to strike out the appropriation of $150,000 for Fort Delaware, and asked the yeas and nays; which were ordered.

The question was then taken, and decided as follows:

YEAS—Messrs. Brown, Clay, Crittenden, Ewing of Illinois, Hendricks, Leigh, Mangum, Moore, Porter, Preston, Robinson, Ruggles, Southard, Swift, Tipton, Wall—16.

NAYS—Messrs. Bayard, Benton, Buchanan, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Grundy, Hubbard, King of Alabama, King of Georgia, Knight, Linn, Nicholas, Page, Rives, Robbins, Tallmadge, Walker, Webster, White, Wright—22.

Mr. CRITTENDEN moved to recommit the bill, with instructions to reduce the appropriations to such sum as may be judiciously expended by the 4th of March next.

Mr. CLAY made some remarks on the singularity of the committee having reported the bill back without reduction, after the sense of the Senate had been expressed in favor of reduction.

Mr. WRIGHT replied as to the impossibility of the committee having any further information since yesterday, which had not been before the committee for months.

Mr. CLAY asked for what purpose the bill was committed. Was it to be permitted that a majority of a committee should overrule the decision of a majority of the Senate? After the Senator had made the same statement yesterday, the Senate ordered the recommitment, and here, after a few hours, the bill is brought back in the same form.

After some few remarks from Mr. PRESTON and Mr. WRIGHT,

Mr. CLAY said that it had been stated that two thousand guns were all that would be required to arm the fortifications, and that we had one thousand eight hundred and eighteen; and, as liberal appropriations had been made in another bill, he could not see the propriety of voting the large sums in this bill. He stated that $200,000 was wanted for the transportation of arms; and a gentleman of responsibility had stated, in the other House, that all the arms in the country could be transported for $25,000.

Mr. CALHOUN adverted to the necessity for some

point at which the accumulation of arms must stop, and when there would be a tremendous reaction, when the losses in consequence of risk, ensurance, impediment, &c., would be infinitely greater than the value of the arms.

Mr. CUTHBERT stated his understanding of the feelings and views which influenced the Senate to recommit the bill, and alleged that there was a change of ground, and, of course, in the action of the gentlemen on the other side. He warned them not to incur the suspicion of acting only for the purpose of winning popular favor, and to recollect that the verdict of the country had been repeatedly given in favor of the system of defence on which this bill was founded.

Mr. PRESTON said that he was in entire ignorance of the matters on which he was now called to vote. He stated what had been for many years the amouut of the annual appropriations for fortifications, and protested against doubling now, when six months of the year had expired.

After some further debate, the question was taken on the motion, and decided in the negative: Yeas 18, nays 21.

The question was then taken on engrossing the amendment, and ordering the bill to be read a third time, by the following vote:

YEAS—Messrs. Bayard, Benton, Black, Brown, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, Hubbard, Kent, King of Alabama, Linn, Morris, Nicholas, Niles, Page, Porter, Rives, Robbins, Robinson, Ruggles, Tallmadge, Tipton, Tomlinson, Walker, Webster, White, Wright—28.

NAYS—Messrs. Calhoun, Clay, Crittenden, Ewing of Ohio, Leigh, Mangum, Moore, Preston, Southard—9.

DEATH OF JAMES MADISON.

The following message was received from the President of the United States, by Mr. DONELSON, his secretary:

WASHINGTON, *June* 30, 1836.

To the Senate and House of Representatives:

It becomes my painful duty to announce to you the melancholy intelligence of the death of JAMES MADISON, Ex-President of the United States. He departed this life at half past six o'clock, on the morning of the 28th instant, full of years and full of honors.

I hasten this communication, in order that Congress may adopt such measures as may be proper to testify their sense of the respect which is due to the memory of one whose life has contributed so essentially to the happiness and glory of his country, and to the good of mankind.

ANDREW JACKSON.

Mr. RIVES addressed the Senate as follows:

Mr. President, I feel that it would be an act of sacrilegious temerity, were I to attempt to add to the intrinsic pathos of the melancholy intelligence just announced to us by the President of the United States, by any thing in the way of eulogy on the character of the great man whose decease he has communicated to us. The eulogy of Mr. Madison is written in every page of the history of his country, to whose service his whole life was devoted, and with every great event in whose annals his name stands conspicuously and enduringly identified. Filled, however, as his life was, from its dawn to its close, with labors of patriotism and superior wisdom, there is one great work of his which must ever recur prominently to the grateful memory of his country. He was, in an especial manner, the founder and author of that glorious constitution which is the bond of our Union and the charter of our liberties; and it was graciously vouchsafed to him, in the order of providence, to witness, for a longer period than any of his illustrious colleagues, the rich blessings which have resulted from its establishment. He was the last surviving signer of that sacred instrument. Amid the general grief which pervades the nation, may we not indulge one consolation at least, in the hope that his death, whilst adding the last seal to his own fame and glory, will, in some sort, canonize the work of his hands, and surround with a new veneration that precious relic of the wisdom of our departed patriots and sages.

But, sir, I will not speak of the public life of Mr. Madison; it is known to us all; it is appreciated by us all. It was my privilege to see and to know him in the scenes of that classic retirement in which he passed the evening of his days. It was there that the mild lustre of his private virtues, which formed the crowning grace of his character, and is the indispensable complement of a true public glory, was seen and felt. But who can paint him there? Who can adequately describe that fascinating suavity of temper and manners, that spirit and grace of conversation so happily blended with the oracles of philosophy and experience, that amiable and cultivated benevolence, ever watchful of the feelings and comfort of others, even in the minutest trifles, which, together, formed, around the hearth of Montpelier, a group of social virtues and attractions which, however incompetent the powers of language to portray, none who have felt their influence can ever forget? In speaking of these things, Mr. President, I am but too forcibly reminded of my own personal loss in the general and national calamity which we all bewail. I was the neighbor of Mr. Madison, sir, and enjoyed his kindness and friendship; and if, in speaking of a great national bereavement, my mind recurs too fondly to the chasm his death has left in the immediate circle of his friends, something, I trust, will be pardoned to the feelings of the heart.

It is my melancholy satisfaction to have received, in all probability, the last letter ever signed by his hand. It bears date only six days before his death, and furnishes, in its contents, a striking illustration of that amiable benevolence, and sensibility to the kindness of others, which formed so prominent a trait in his character. In that letter, which is now before me, he spoke of his enfeebled health; and his trembling and unsteady signature, so much in contrast with the usual firmness and regularity of his writing, bore a graphic and melancholy intimation of his approaching end. Still I trusted that his light might hold out to the 4th of July, that he might be restored on that glorious anniversary to an immortal companionship with those great men and patriots with whom he had been intimately connected in life, and whose coincident deaths, on the birthday of the nation's freedom, had imparted to that day, if possible, an additional and mysterious illustration. But it has been ordered otherwise. His career has been closed at an epoch which, forty-nine years ago, witnessed his most efficient labors in the illustrious assembly which laid the foundations of our present system of Government, and will thus, by the remembrance of his death, as well as by the services of his life, more closely associate him with that great work which is at once the source and the guarantee of his country's happiness and glory.

What honors, Mr. President, are there, by which we can do justice to a character which history will hold up to future ages as a model of public and private virtue, not surpassed by the brightest examples in ancient or modern times? Sir, there are none. Still it is proper that, as representatives of the American people, we should show, by some suitable manifestations, how sincerely and deeply we participate in the universal feeling of grief on this mournful occasion; and I move you, therefore, the following resolution:

Resolved, That a committee be appointed on the part of the Senate, to join such committee as may be appointed on the part of the House, to consider and report by what token of respect and affection it may be proper for the Congress of the United States to express the deep sensibility of the nation to the event of the decease of Mr. Madison, just announced by the President of the United States.

The resolution was unanimously adopted; and,

On motion of Mr. RIVES, the committee was appointed by the Chair, consisting of the following gentlemen: Messrs. RIVES, CLAY, CALHOUN, GRUNDY, BUCHANAN, LEIGH, and TALLMADGE.

SUPPLEMENTARY DEPOSITE BILL.

On motion of Mr. WEBSTER, the bill supplementary to an act to regulate the deposites of the public money was taken up for consideration.

[This bill goes to authorize the Secretary of the Treasury to transfer money from the deposite banks in any State or Territory to any other deposite bank, when it is necessary to prevent the accumulation of too much of the public money in any one bank.]

Mr. MANGUM moved to lay the bill on the table, but withdrew the motion.

Mr. WALKER renewed the motion, and it was negatived.

The amendment of the committee was concurred in, and the bill was ordered to be engrossed.

Mr. MANGUM moved that the Senate take a recess till seven o'clock; which was agreed to.

EVENING SESSION.

The bill supplemental to the act to regulate the public deposites was read the third time and passed, by yeas and nays, as follows:

YEAS—Messrs. Bayard, Buchanan, Clayton, Cuthbert, Davis, Ewing of Ohio, Goldsborough, Hendricks, Kent, King of Alabama, King of Georgia, Linn, Nicholas, Niles, Page, Porter, Preston, Robbins, Robinson, Southard, Swift, Tomlinson, Wall, Wright—24.

NAYS—Messrs. Benton, Brown, Mangum, Moore, Walker, White—6.

WISCONSIN.

The bill to create the office of surveyor of public lands in the Territory of Wisconsin was taken up for consideration.

Mr. TIPTON moved to lay the bill on the table, considering the office unnecessary.

Mr. EWING opposed the motion, and, on taking the question, it was rejected.

Mr. TIPTON then moved to amend the bill by striking out the whole, and inserting a substitute, providing that the office of surveyor general of the public lands, for Ohio, Indiana, Illinois, and Wisconsin, shall be held at ——, Indiana.

Mr. T. accompanied this motion with some remarks in its favor.

Mr. EWING, of Ohio, said that there were, no doubt, many advantages in the proposition of the gentleman from Indiana, but he thought it too late in the session now to obtain information from the General Land Office, which was necessary before making so important a change.

Mr. TIPTON'S motion was rejected, and the bill was ordered to be engrossed for a third reading. It was, in a subsequent part of the evening, read the third time and passed.

RESPECT TO JAMES MADISON.

Mr. RIVES, from the select committee appointed to meet such committee as might be appointed by the other House to consider and report by what token of respect and affection it may be proper for the Congress of the United States to express the deep sensibility of the nation in the event of the decease of Mr. Madison, reported the following resolutions, which were unanimously adopted:

"The President of the United States having communicated to the two Houses of Congress the melancholy intelligence of the death of their illustrious fellow-citizen, James Madison, of Virginia, late President of the United States, and the two Houses sharing in the general grief which this distressing event must produce—

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the chairs of the President of the Senate and of the Speaker of the House of Representatives be shrouded in black during the residue of the session, and that the President of the Senate, the Speaker of the House of Representatives, and the members and officers of both Houses, wear the usual badge of mourning for thirty days.

Resolved, That it be recommended to the people of the United States to wear crape on the left arm, as mourning, for thirty days.

Resolved, That the President of the United States be requested to transmit a copy of these resolutions to Mrs. Madison, and to assure her of the profound respect of the two Houses of Congress for her person and character, and of their sincere condolence on the late afflicting dispensation of Providence.

After transacting a large amount of other business, principally in relation to bills,

The Senate adjourned at about half past 12 o'clock.

FRIDAY, JULY 1.

PRESIDENT OF THE SENATE PRO TEM.

At eleven o'clock, A. M., the Secretary called the Senate to order; and,

On motion of Mr. WEBSTER, the Senate proceeded to the election of a President pro tem.; and the ballots being counted, the votes appeared to be as follows:

For Mr. KING, of Alabama, - - - - -	22
For Mr. SOUTHARD, - - - - - -	14
Scattering, - - - - - - -	4

So that Mr. KING, of Alabama, was declared to be duly elected President of the Senate, pro tem., and was conducted to the chair by Mr. WHITE.

The President pro tem. returned his thanks, to the following effect:

Gentlemen of the Senate:

This flattering manifestation of the confidence and respect of my brother Senators fills my heart with the liveliest sensibility.

To be called to preside over the deliberations of the Senate of the United States, distinguished as it is for intelligence, moral worth, and a patriotic devotion to the principles of liberty, is an honor of which the first in this land might be justly proud. I shall enter, gentlemen, upon the discharge of the duties which your kindness has devolved upon me, with the determination to discharge them zealously, faithfully, and impartially. I am, however, fully aware that, unless I am sustained by the Senate, all my efforts correctly and usefully to discharge them must prove vain and fruitless; but the order, the decorum, which has heretofore so eminently distinguished the Senate of the United States; the courtesy and good feeling which has uniformly marked the official and social intercourse of its members, gives to me the strongest assurance that I may confidently rely on their kindness and support. I earnestly request honorable Senators to make proper allowances for the errors into which I may occasionally fall, and to aid me in correcting them.

TEXAS.

Mr. PRESTON moved the Senate to take up the resolution of the Committee on Foreign Relations on the subject of Texas.

Mr. PRESTON made some remarks, in the course of which he stated that he had with difficulty restrained himself from offering an amendment to recognise the independence of Texas immediately. He gave a brief narrative of the events of the revolution in Texas, and stated that he had this morning received authentic information, in the form of a letter from Mr. Austin, which confirms the statement that General Filasola had carried into effect the armistice agreed on between the Texian Government and Santa Anna. This treaty Mr. P. regarded as amounting to a recognition on the part of Mexico of the independence of Texas. The Vice President of Texas was about to proceed to Vera Cruz, to enforce from the mouths of the Texian guns the conclusion of a definitive treaty of peace between the two countries.

Mr. P. continued, at some length, to expatiate on the situation and achievements and claims of Texas, and adverted to certain treaty stipulations with Mexico concerning the Indians west of the Sabine, which stipulations it would only be in the power of Texas now to carry into effect. He concluded with offering to amend the resolution by adding an expression of the gratification which the Senate felt on hearing of the course taken by the President of the United States to obtain information of the situation of Texas.

Mr. CLAY said he had no objection to the amendment, as it is in consonance with the tone of the report. He did not agree that the fact of a new State having expelled her enemy, or having even captured the head of the hostile force, was, of itself, sufficient to warrant a recognition of her independence as one of the family of nations. In reference to the remark of the Senator that Texas only could carry into effect the treaty we have negotiated with Mexico, (Mr. C. said,) no principle in the law of nations was more settled than that the branches of a nation were bound to fulfil the stipulations of a treaty made by the head; and Texas was now as much bound by the treaty with Mexico, as was Mexico herself. We are bound to have some sympathy with the people of Mexico, while we heap indignities upon the vain-glorious and cruel tyrant Santa Anna; and he hoped that this would be a cherished feeling towards the eight millions of the people of Mexico, and that we would wait so long as to give them an opportunity, in the first place, to recognise the independence of Texas, by the treaty which the Senator had said the Vice President of Texas was on his way to Vera Cruz to conclude. This would be the course most glorious and most advantageous to Texas. If he were to yield to his own feelings merely, he might be inclined not only to recognise Texas, but to go still farther to promote the interests of those who are struggling for their freedom. As soon as the information desired by the President should be obtained, (and the sooner the better,) he hoped the President would take that course which would be most in conformity with the feelings of the American people.

Mr. WEBSTER added a few words to express his entire acquiescence in the resolution of the committee and the amendment. He was willing to go so far as to vote funds to enable the President to send out a proper minister. But against a direct recognition he thought there existed strong objections. It was the proper function of the President to take the lead in this matter. He was of the opinion that the recency of the revolution was an objection to immediate recognition. Time was expedient where the object was not of peculiar urgency. He adverted to the generally cautious policy of our Government, carried even to the point of timidity in reference to Greece; and referred to the fact that General Houston had seconded his resolutions on the subject of sending commissioners to that republic.

Mr. WALKER made some remarks to show that Mexico had never exercised the power of government in Texas, except during a short interval when Santa Anna was in Texas.

Mr. BUCHANAN concurred in every sentiment expressed in the report of the committee, and congratulated the Senate on the spectacle exhibited by the people of the United States, who, although operated upon by the strongest feelings of indignation at the outrageous conduct of the Mexicans, had confined themselves within the limits of our established policy. He did not perceive that any disadvantage could result to Texas from a little delay, now that she is in the full tide of her prosperity.

Mr. CALHOUN congratulated the Senate on the tone of the discussion; stated that he had hoped we shoud be ready to recognise Texas before now; but under existing circumstances, he thought we should only go at present so far as the report and resolution contemplate.

Mr. NILES said that he did not wish to prolong the debate; yet, from the relation in which he stood to the subject, he felt it a duty to express his approbation of the resolution which had been reported by the Committee on Foreign Affairs. He fully concurred in the views of the committee. He thought they had gone far enough, and had stopped at the proper point. He had on a former occasion expressed the opinion that it would be premature unqualifiedly to recognise the independence of Texas at this time, and he had seen nothing to change this opinion. In determining the question of the propriety of the recognition of the independence of Texas, there are two points of investigation: the first, whether the people of that portion of the country are in fact an independent and distinct community, exercising the powers of self-government; and, the second, whether there are reasonable grounds to believe that they are in a condition to maintain their independence.

In relation to the first question, there was no difficulty; the dominion of Mexico over Texas is completely and effectually overthrown, and the people have established a constitution and Government for themselves, founded on liberal principles, similar to those forming the basis of our own institutions. They are at this time *de facto* a free and independent State, governing themselves, and managing their own affairs. This elevated position, and the rights pertaining to it, no people have stronger claims to; they have been achieved and won by their valor, sacrifices, and sufferings, almost unparalleled in so short a contest. Animated by a spirit of liberty and independence, they have contended against fearful odds, with courage and determination that could hardly fail of success, and which led to the glorious victory of Saint Jacinto—a victory not surpassed in the records of modern warfare. By this single victory, not only the power of the Mexican chief was overthrown, but that of the Mexican nation, which still acknowledges him as at the head of its Government.

Texas is now free and independent; she has thrown off the dominion of Mexico, and stands forth to the world as a separate and sovereign State. But before we can extend our arms to receive and embrace her as a member of the family of nations, we must be reasonably satisfied that she is capable of maintaining the high attitude she has assumed; we must look not only to her military power, but to the number and condition of her people. Has she a population, has she resources, sufficient to sustain the rank and character of an independent State? Her population is limited; in Texas proper it does not perhaps exceed sixty thousand; and in the whole territory, including the State of Cohuihui, less than two hun-

dred thousand. This, it must be confessed, is a small population for an independent State; but it is to be remembered that all power is relative; and, in judging of the capacity of the Texians to sustain themselves as an independent people, we must also look to the condition and strength of Mexico. It is well known that the republic of Mexico, if such it can be called, has for more than twenty years been agitated and distracted by successive revolutions; that the power has been transferred from one chief to another, according to the fortune of war, or the success of the intrigues and ambitious schemes of political aspirants. In these protracted struggles, and almost continuous civil broils, the nation has become enfeebled and exhausted, and the people impoverished and plundered by the rapacity of the chiefs and military rulers. Although possessed of a considerable population, Mexico is a weak and feeble State. She has no navy, and possesses none of the elements for constructing one. The physical position and advantages of a State form an important element in its means and capacity of defence. On the Rio del Norte there is a desert of sixty miles in breadth, which seems to be a natural barrier that separates the southern from the northern portion of the Mexican territory. Or it may become the barrier and natural boundary between two great nations on this continent; the one extending south to the isthmus of Darien, the other embracing the whole country north.

If Texas is a small community for an independent State, it is to be borne in mind that there are many small independent States in Europe, surrounded by the most powerful nations; such are Portugal, Switzerland, and others. However small a State may be, yet if it have asserted and established its independence, and from physical or other causes, or the weakness of the Power claiming dominion over it, it is able to maintain it, the small amount of its population, and its weakness, as compared with the large Powers of the earth, form no objections to its being recognised and received into the family of nations. The same principles of justice and of national law apply to a small State as to a large one. In either case the question is, is it in fact independent? Is it in the possession of a Government and civil constitution, and in a condition to maintain them? In estimating the capacity of Texas to sustain the attitude she has assumed in relation to Mexico, we must not overlook the character of her population, a large portion of them having been emigrants from the United States, enterprising and enlightened. The intelligence, the physical and moral energies, of a people are of more importance than their numbers. How many Mexicans are equal to one Texian? Let the victory of Saint Jacinto answer.

Mr. N. said he would not touch on the ulterior questions connected with this subject; and he regretted that the honorable Senator from South Carolina [Mr. CALHOUN] had alluded to the annexation of Texas to the United States. When considering the question of her independence, he thought it should be kept free from even any suggestions regarding the probable future destiny of that country. It might occasion suspicions injurious to the honor and purity of our conduct, to connect any views of ultimate aggrandizement or accession of territory with the question of doing justice to a brave people upon our borders struggling for their rights. Whatever may be the ultimate destiny of that country, or its influence on that of this republic, he was not disposed to inquire on this occasion, as no considerations of that character ought to influence us, either to grant or withhold a recognition. Whether it would be for the interest and safety of the United States to purchase Texas, was a question that he did not wish to see connected with the one before the Senate; that question, should it ever arise, would probably be found beset with many difficulties, and may excite a deep conflict of feelings. He would only say, that destiny, which no legislative foresight or human sagacity can control, had no doubt intimately connected Texas with the United States. Nothing can be more clear than this. She is upon our borders, and is and will be settled by citizens of this Union, speaking our own language, carrying with them the spirit of our free institutions, and the same love of liberty glowing in their hearts. Destiny had established intimate political connexion between the United States and Texas; but what that relation would be, whether that territory would be annexed to this Union, and form one or more States, or whether it would exist as an independent nation under the protection of the United States, time only could determine. Such political relations were not incompatible with the rights of sovereignty and independence, and have long existed between England and Portugal.

That Texas would be able to sustain the attitude she had assumed, he had little doubt; yet the recency of events there required that we should not be precipitate; time alone could test the stability and true condition of affairs in that country. He did not, however, concur with the honorable Senator from Pennsylvania, [Mr. BUCHANAN] that a recognition on the part of this Government at this time would not benefit Texas. He thought such an act would have great influence on her affairs; it would give them an impetus, powerful and irresistible; it would be the signal for the bold and enterprising citizens of the United States to rush like a swelling flood into that country, to share in the toils, the glory, and the rewards, of the contest which is going on. But the very fact that an unqualified recognition of the independence of Texas would exert so potent an influence in her cause, is a strong reason against such a measure in the present unsettled state of the contest. It might throw a suspicion upon our neutrality, if an act of this Government should have a direct agency in effecting the independence of a country lying upon our borders, and which may hereafter be annexed to our territory. The resolutions now before us, containing a qualified recognition, will no doubt have a favorable and salutary influence on the cause of Texian independence and liberty. It will be a voice from a great, free, and kindred people, which cannot fail to cheer, animate, and encourage the brave men on our southern border, who have shown themselves so deserving of freedom and so capable of maintaining it. This voice will reverberate throughout the Union, and its influence will not be slow nor small on our own citizens. Aroused by a spirit of liberty and enterprise, a strong current is setting that way, and its course will be onward, strong, and irresistible. If the adoption of these resolutions shall contribute to give a favorable impulsation to the cause of Texas, he should rejoice at it; for so far as it is right for this Government to go, without being exposed to the slightest imputation of an improper interference or a disregard of the strictest obligations of neutrality, so far he was prepared to go. He would scrupulously guard the national honor and faith, and strictly adhere to those principles of action which have ever controlled the course of this Government in its connexions with other nations; but these resolutions will not conflict with those principles, whilst I think they may have a favorable and salutary influence on the cause of Texian independence and freedom. He hoped they would be adopted with perfect unanimity.

Mr. SOUTHARD said:

Mr. President, the opinion and wishes expressed by the Senator from South Carolina [Mr. CALHOUN] induce me to say a few words before the vote is taken. I am willing to give my assent to the resolution presented for our consideration by the Committee on Foreign Rela-

tions, and also to the amendment offered by the Senator from South Carolina, [Mr. PRESTON.] They may be justified by the events which have occurred, and by the case as it appears before us; but I am not willing to proceed further, nor bind myself to any ultimate course on the subject. We are too ignorant of the existing condition of Texas, in many respects, and have too slight materials on which to form an estimate of her future prospects, to justify us, in our capacity as Senators, in pronouncing a decision that may implicate the interests of this nation with hers. Both in the principles avowed in the report of the committee, and in the conclusion at which it arrives in the resolution, we go quite as far as prudence and sound policy will permit. Even they may lead us, at no distant day, into difficulties of which our excited sympathies and ardent feelings do not, at this moment, take proper cognizance.

I am not prepared to unite in the general expression of a belief that the independence of Texas is secured, and her struggle over. It seems to me impossible that this can be the case. Texas may—she probably will—at some period, perhaps not remote, establish her independence on a foundation which Mexico cannot shake. She has temptations to offer to enterprise, ambition, and avarice, to the better and the baser passions of our nature, which may draw to her very efficient aid in her conflict, and will, probably, carry her triumphantly through it. But I cannot persuade myself that the contest will not be renewed; and that Mexico will make no effort to reduce the rebellious province, and restore the State of Texas to the confederacy. If she should not, it will be one of the most extraordinary facts in the history of human society, and in the separation of States and nations. It seems to me incredible, when I reflect on the previous condition of that province, on the effects which must result from quietly yielding her independence, and on the population and wealth of the nation. No, sir, Santa Anna is not Mexico. His army was not the strength of that nation. She still has men and money—Bravos and Urreas—and it will not be long before we hear of them, in the administration of the Government, and at the head of armies, advancing upon Texas. I can found no opinion or act on the belief that there is an end of the conflict.

But, Mr. President, I should not have risen to express these notions, if I had not understood the Senator from South Carolina [Mr. CALHOUN] to declare that he regarded the acknowledgment of the independence of Texas as important, and principally important, because it prepared the way for the speedy admission of that State as a member of our Union; and that he looked anxiously to that event, as conducing to a proper balance of power, and to the perpetuation of our institutions. I am not now, sir, prepared to express an opinion on that question—a question which all must foresee will embrace interests as wide as our Union, and as lasting in their consequences as the freedom which our institutions secure. When it shall be necessarily presented to me, I shall endeavor to meet it in a manner suitable to its magnitude, and to the vital interests which it involves; but I will not, on the present resolution, anticipate it, nor can I permit an inference, as to my decision upon it, to be drawn from the vote which I now give. That vote is upon this resolution alone, and confined to it, founded upon principles sustained by the laws of nations, upon the unvarying practice of our Government, and upon the facts as they are now known to exist. It relates to the independence of Texas, not to the admission of Texas into this Union. The achievement of the one, at the proper time, may be justified; the other may be found to be opposed by the highest and strongest considerations of interest and duty. I discuss neither at this time; nor am I willing that the remarks of the Senator should lead, in or out of this chamber, to the inference that all those who vote for the resolution concur with him in opinion. The question which he has started should be left perfectly open and free.

Mr. BENTON rose and said he should confine himself strictly to the proposition presented in the resolution, and should not complicate the abstract question of recognition with speculations on the future fate of Texas. Such speculations could have no good effect upon either of the countries interested; upon Mexico, Texas, or the United States. Texas has not asked for admission into this Union. Her independence is still contested by Mexico. Her boundaries, and other important points in her political condition, are not yet adjusted. To discuss the question of her admission into this Union, under these circumstances, is to treat her with disrespect, to embroil ourselves with Mexico, to compromise the disinterestedness of our motives in the eyes of Europe, and to start among ourselves prematurely, and without reason, a question which, whenever it comes, cannot be without its own intrinsic difficulties and perplexities.

Since the three months that the affairs of Texas have been the subject of repeated discussion in this chamber, I have imposed on myself a reserve, not the effect of want of feeling, but the effect of strong feeling and some judgment combined, which has not permitted me to give utterance to the general expression of my sentiments. Once only have I spoken, and that at the most critical moment of the contest, and when the reported advance of the Mexicans upon Nacogdoches, and the actual movement of General Gaines and our own troops in that direction, gave reason to apprehend the encounter of flags, or the collision of arms, which might compromise individuals or endanger the peace of nations. It was then that I used those words, not entirely enigmatical, and which have since been repeated by some, without the prefix of their important qualifications, namely, that while neutrality was the obvious line of our duty and of our interest, yet there might be emergencies in which the obligation of duty could have no force, and the calculations of interest could have no place; when, in fact, a man should have no head to think! nothing but a heart to feel! and an arm to strike! and I illustrated this sentiment. It was after the affair of Goliad, and the imputed order to unpeople the country, with the supposititious case of prisoners assassinated, women violated, and children slaughtered, and these horrors to be perpetrated in the presence or hearing of an American army. In such a case I declared it to be my sentiment—and I now repeat it, for I feel it to be in me—in such a case, I declared it to be my sentiment that treaties were nothing, books were nothing, laws were nothing! that the paramount law of God and nature was every thing! and that the American soldier, hearing the cries of helplessness and weakness, and remembering only that he was a man, and born of woman, and the father of children, should fly to the rescue, and strike to prevent the perpetration of crimes which shock humanity and dishonor the age. I uttered this sentiment not upon impulsion, but with consideration; not for theatrical effect, but as a rule for action; not as vague declamation, but with an eye to possible or probable events, and with a view to the public justification of General Gaines and his men, if, under circumstances appalling to humanity, they should nobly resolve to obey the impulsions of the heart instead of coldly consulting the musty leaves of books and treaties.

Beyond this I do not go, and, except in this instance, I did not speak. Duty and interest prescribed to the United States a rigorous neutrality, and this condition she has faithfully fulfilled. Our young men have gone to Texas to fight; but they have gone without the sanc-

tion of the laws and against the orders of the Government. They have gone upon that impulsion which, in all ages, has carried the heroic youth of all countries to seek renown in the perils and glories of distant war. Our foreign enlistment law is not repealed. Unlike England, in the civil war now raging in Spain, we have not licensed interference by repealing our penalties: we have not stimulated action by withdrawing obstacles. No member of our Congress, like General Evans in the British Parliament, has left his seat to levy troops in the streets of the metropolis, and to lead them to battle and to victory in the land torn by civil discord. Our statute against armaments to invade friendly Powers is in full force. Proclamations have attested our neutral dispositions. Prosecutions have been ordered against violators of law. A naval force in the gulf, and a land force on the Sabine, have been directed to enforce the policy of the Government; and so far as acts have gone, the advantage has been on the side of Mexico; for the Texian armed schooner the Invincible has been brought into an American port by an American ship of war. If parties and individuals still go to Texas to fight, the act is particular, not national, compromising none but the parties themselves, and may take place on one side as well as on the other. The conduct of the administration has been strictly neutral; and, as a friend to that administration, and from my own convictions, I have conformed to its policy, avoiding the language which would irritate, and opposing the acts that might interrupt pacific and commercial communications. Mexico is our nearest neighbor, dividing with us the continent of North America, and possessing the elements of a great Power. Our boundaries are co-terminous for more than two thousand miles. We have inland and maritime commerce. She has mines; we have ships. General considerations impose upon each Power the duties of reciprocal friendship; especial inducements invite us to uninterrupted commercial intercourse. As a western Senator, coming from the banks of the Mississippi, and from the State of Missouri, I cannot be blind to the consequences of interrupting that double line of inland and maritime commerce, which, stretching to the mines of Mexico, brings back the perennial supply of solid money which enriches the interior, and enables New Orleans to purchase the vast accumulation of agricultural produce of which she is the emporium. Wonderful are the workings of commerce, and more apt to find out its own proper channels by its own operations than to be guided into them by the hand of legislation. New Orleans now is what the Havana once was—the entrepot of the Mexican trade, and the recipient of its mineral wealth. The superficial reader of commercial statistics would say that Mexico but slightly encourages our domestic industry; that she takes nothing from our agriculture, and but little from our manufactures. On the contrary, the close observer would see a very different picture. He would see the products of our soil passing to all the countries of Europe, exchanging into fine fabrics, and these returning in the ships of many nations, our own predominant, to the city of New Orleans; and thence going off in small Mexican vessels to Metamoras, Tampico, Vera Cruz, and other Mexican ports. The return from these ports is in the precious metals, and, to confine myself to a single year, as a sample of the whole, it may be stated that, of the ten millions and three quarters of silver coin and bullion received in the United States, according to the custom-house returns during the last year, eight millions and one quarter of it came from Mexico alone, and the mass of it through the port of New Orleans. This amount of treasure is not received for nothing, nor, as it would seem on the commercial tables, for foreign fabrics unconnected with American industry, but, in reality, for domestic productions changed into foreign fabrics, and giving double employment to the navigation of the country. New Orleans has taken the place of the Havana; it has become the entrepot of this trade; and many circumstances, not directed by law, or even known to lawgivers, have combined to produce the result. First, the application of steam power to the propulsion of vessels, which, in the form of tow-boats, has given to a river city a prompt and facile communication with the sea; then the advantage of full and assorted cargoes, which brings the importing vessel to a point where she delivers freight for two different empires; then the marked advantage of a return cargo, with cheap and abundant supplies, which are always found in the grand emporium of the great West; then the discriminating duties in Mexican ports in favor of Mexican vessels, which makes it advantageous to the importer to stop and tranship at New Orleans; finally, our enterprise, our police, and our free institutions, our perfect security, under just laws, for life, liberty, person and property. These circumstances, undirected by Government, and without the knowledge of Government, have given to New Orleans the supreme advantage of being the entrepot of the Mexican trade; and have presented the unparalleled spectacle of the noblest valley in the world, and the richest mines in the world, sending their respective products to meet each other at the mouth of the noblest river in the world; and there to create, in lapse of time, the most wonderful city which any age or country has ever beheld. A look upon the map of the great West, and a tolerable capacity to calculate the aggregate of geographical advantages, must impress the beholder with a vast opinion of the future greatness of New Orleans; but he will only look upon one half of the picture unless he contemplates this new branch of trade which is making the emporium of the Mississippi the entrepot of Mexican commerce, and the recipient of the Mexican mines, and which, though now so great, is still in its infancy. Let not Government mar a consummation so auspicious in its aspect, and teeming with so many rich and precious results. Let no unnecessary collision with Mexico interrupt our commerce, turn back the streams of three hundred mines to the Havana, and give a wound to a noble city which must be felt to the head spring and source of every stream that pours its tribute into the King of Floods.

Thus far Mexico has no cause of complaint. The conduct of our Government has been that of rigorous neutrality. The present motion does not depart from that line of conduct; for the proposed recognition is not only contingent upon the *de facto* independence of Texas, but it follows in the train, and conforms to the spirit, of the actual arrangements of the President General, Santa Anna, for the complete separation of the two countries. We have authentic information that the President General has agreed to an armistice; that he has directed the evacuation of the country; that the Mexican army is in full retreat; that the Rio Grande, a limit far beyond the discovery and settlement of La Salle in 1684, is the provisional boundary; and that negotiations are impending for the establishment of peace on the basis of separation. Mexico has had the advantage of these arrangements, though made by a captive chief, in the unmolested retreat and happy extrication of her troops from their perilous position. Under these circumstances, it can be no infringement of neutrality for the Senate of the United States to adopt a resolution for the contingent and qualified acknowledgment of Texian independence. Even after the adoption of the resolution, it will remain inoperative upon the hands of the President until he shall have the satisfactory information which shall enable him to act without detriment to any interest, and without infraction of any law.

Even without the armistice and provisional treaty with Santa Anna, I look upon the separation of the two countries as being in the fixed order of events, and absolutely certain to take place. Texas and Mexico are not formed for union. They are not homogeneous. I speak of Texas as known to La Salle, the bay of St. Bernard—(Matagorda)—and the waters which belong to it, being the western boundary.* They do not belong to the same divisions of country, nor to the same systems of commerce, nor to the same pursuits of business. They have no affinities—no attractions—no tendencies to coalesce. In the course of centuries, and while Mexico has extended her settlements infinitely further in other directions—to the head of the Rio Grande in the north, and to the mouth of the San Francisco, in the northwest; yet no settlement had been extended east, along the neighboring coast of the Gulf of Mexico. The rich and deep cotton and sugar lands of Texas, though at the very door of Mexico, yet requiring the application of a laborious industry to make them productive, have presented no temptation to the mining and pastoral population of that empire. For ages this beautiful agricultural and planting region had lain untouched. Within a few years, and by another race, its settlement has begun; and the presence of this race has not smoothed, but increased, the obstacles to union presented by nature. Sooner or later, separation would be inevitable; and the progress of human events has accelerated the operation of natural causes. Goliad has torn Texas from Mexico: Goliad has decreed independence: San Jacinto has sealed it! What the massacre decreed, the victory has sealed; and the day of the martyrdom of prisoners must forever be regarded as the day of disunion between Texas and Mexico. I speak of it politically, not morally; that massacre was a great political blunder, a miscalculation, an error, and a mistake. It was expected to put an end to resistance, to subdue rebellion, to drown revolt in blood, and to extinguish aid in terror. On the contrary, it has given life and invincibility to the cause of Texas. It has fired the souls of her own citizens, and imparted to their courage the energies of revenge and despair. It has given to her the sympathies and the commiseration of the civilized world. It has given her men and money, and claims upon the aid and a hold upon the sensibilities of the human race. If the struggle goes on, not only our America, but Europe will send its chivalry to join in the contest. I repeat it; that cruel morning of the Alamo, and that black day of Goliad, were great political faults. The blood of the martyr is the seed of the church. The blood of slaughtered patriots is the dragon's teeth sown upon the earth, from which heroes, full grown and armed, leap into life, and rush into battle. Often will the Mexican, guiltless of that blood, feel the Anglo-American steel for the deed of that day, if this war continues. Many were the innocent at San Jacinto, whose cries, in broken Spanish, abjuring Goliad and the Alamo, could not save their devoted lives from the avenging remembrance of the slaughtered garrison and the massacred prisoners.

Unhappy day, forever to be deplored, that Sunday morning, March 6, 1836, when the undaunted garrison of the Alamo, victorious in so many assaults over twenty times their number, perished to the last man by the hands of those, part of whom they had released on parole two months before, leaving not one to tell how they first dealt out to multitudes that death which they themselves finally received. Unhappy day, that Palm Sunday, March 27, when the five hundred and twelve prisoners at Goliad, issuing from the sally port at dawn of day, one by one, under the cruel delusion of a return to their families, found themselves enveloped in double files of cavalry and infantry, marched to a spot fit for the perpetration of the horrid deed—and there, without an instant to think of parents, country, friends, and God, in the midst of the consternation of terror and surprise, were inhumanly set upon, and pitilessly put to death, in spite of those moving cries which reached to heaven, and regardless of those supplicating hands, stretched forth for mercy, from which arms had been taken, under the perfidious forms of a capitulation. Five hundred and six perished that morning—young, vigorous, brave, sons of respectable families, and the pride of many a parent's heart—and their bleeding bodies, torn with wounds, and many yet alive, were thrown in heaps upon vast fires, for the flames to consume what the steel had mangled. Six only escaped, and not by mercy, but by miracles. And this was the work of man upon his brother; of Christian upon Christian; of those upon those who adore the same God, invoke the same heavenly benediction, and draw precepts of charity and mercy from the same divine fountain. Accursed be the ground on which the dreadful deed was done! Steril, and set apart, let it forever be! No fruitful cultivation should ever enrich it; no joyful edifice should ever adorn it; but shut up, and closed by gloomy walls, the mournful cypress, the weeping willow, and the inscriptive monument, should forever attest the foul deed of which it was the scene, and invoke from every passenger the throb of pity for the slain, and the start of horror for the slayer. And you, neglected victims of the Old Mission and of San Patricio, shall you be forgotten because your numbers were fewer, and your hapless fate more concealed? No! but to you also justice shall be done. One common fate befel you all; one common memorial shall perpetuate your

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* "Louis XIV., who had the ambition, if not the genius of a great king, ordered the Minister of Marine, the Marquis de Seigneley, son of the illustrious Colbert, to prepare an expedition at La Rochelle, destined to carry a French colony to Louisiana, under La Salle. * * * The fleet left France the 4th of July, 1684, and directed its course towards Hispaniola. * * * November the 25th, it left the port of Petit Goave, and the 27th of December found itself in the 28th degree of north latitude, in thirty fathoms water. Directing their course west northwest, La Salle and Beaujeu perceived land on the 29th, and found themselves in six fathoms water. Continuing along the coast towards the west northwest, he sought in vain, during several days, the mouth of the Mississippi. * * * Then La Salle took the resolution to disembark one hundred men, and gave them orders to march along the coast until they should arrive at the Mississippi. He confided the command of this little troop to Joutel, who arrived on the 8th of January, 1685, on the banks of a wide river, where he halted for the fleet, which quickly appeared. The Joli and the Belle passed easily over the bar; but the Aimable got aground. * * * In the course of his explorations, La Salle discovered the bay of St. Bernard, where he built a fort, which he named Fort St. Louis, and left a garrison of one hundred men under Morangies. Several rivers discharge themselves into the bay of St. Bernard, where a colony was established. * * * The 15th of April La Salle discovered a river, on which he saw an immense herd of horn cattle, (buffaloes,) which he named La Riviere des Vaches, (Cow river.) It is believed to be the same which the Spaniards afterwards called Rio Colorado de Texas. * * * Commodious houses were built at the bay of St. Bernard, the ground cultivated with care, and the colonists and Indians lived in friendship together. * * * Towards the end of the year 1687, La Salle left the fort to go over land to Canada, and was assassinated, March 19th, 1688, on the Arkansas river, by some of his own people." *Essai Historique sur la Louisiane, par Charles Gayarre.—Note by Mr. B.*

names, and embalm your memories. Inexorable history will sit in judgment upon all concerned, and will reject the plea of Government orders, even if those orders emanated from the Government, instead of being dictated to it. The French National Convention, in 1793, ordered all the English prisoners who should be taken in battle to be put to death. The French armies refused to execute the decree. They answered that French soldiers were the protectors, not the assassins of prisoners; and all France, all Europe, the whole civilized world, applauded the noble reply.

But let us not forget that there is some relief to this black and bloody picture—some alleviation to the horror of its appalling features. There was humanity, as well as cruelty, at Goliad—humanity to deplore what it could not prevent. The letter of Colonel Fernandez does honor to the human heart. Doubtless many other officers felt and mourned like him, and spent the day in unavailing regrets. The ladies, Losero and others, of Metamoras, saving the doomed victims in that city, from day to day, by their intercessions, appear like ministering angels. Several public journals, and many individuals, in Mexico, have given vent to feelings worthy of Christians, and of the civilization of the age; and the poor woman on the Guadaloupe, who succored and saved the young Georgian, (Hadaway,) how nobly she appears. He was one of the few that escaped the fate of the Georgia battalion sent to the Old Mission. Overpowered by famine and despair, without arms and without comrades, he entered a solitary house filled with Mexican soldiers hunting the fugitives of his party. His action amazed them; and, thinking it a snare, they stepped out to look for the armed body of which he was supposed to be the decoy. In that instant food was given him by the humane woman, and instant flight to the swamp was pointed out. He fled, receiving the fire of many guns as he went; and, escaping the perils of the way, the hazards of battle at San Jacinto, where he fought, and of Indian massacre in the Creek nation, when the two stages were taken and part of his travelling companions killed, he lives to publish in America that instance of devoted humanity in the poor woman of the Guadaloupe. Such acts as all these deserve to be commemorated. They relieve the revolting picture of military barbarity—soften the resentments of nations—and redeem a people from the offence of individuals.

Great is the mistake which has prevailed in Mexico, and in some parts of the United States, on the character of the population which has gone to Texas. It has been common to disparage and to stigmatize them. Nothing could be more unjust; and, speaking from knowledge, either personally or well acquired, (for it falls to my lot to know, either from actual acquaintance or good information, the mass of its inhabitants,) I can vindicate them from erroneous imputations, and place their conduct and character on the honorable ground which they deserve to occupy. The founder of the Texian colony was Mr. Moses Austin, a respectable and enterprising native of Connecticut, and largely engaged in the lead Mines of Upper Louisiana when I went to the Territory of Missouri in 1815. The present head of the colony, his son, Mr. Stephen F. Austin, then a very young man, was a member of the Territorial Legislature, distinguished for his intelligence, business habits, and gentlemanly conduct. Among the grantees we distinguish the name of Robertson, son of the patriarchal founder and first settler of West Tennessee. Of the body of the emigrants, most of them are heads of families or enterprising young men, gone to better their condition by receiving grants of fine land in a fine climate, and to continue to live under the republican form of Government to which they had been accustomed. There sits one of them, (pointing to Mr. Carson, late member of Congress from North Carolina, and now Secretary of State for Texas.) We all know him; our greetings on his appearance in this chamber attest our respect; and such as we know him to be, so do I know the multitude of those to be who have gone to Texas. They have gone, not as intruders, but as grantees; and to become a barrier between the Mexicans and the marauding Indians who infested their borders.

Heartless is the calumny invented and propagated, not from this floor, but elsewhere, on the cause of the Texian revolt. It is said to be a war for the extension of slavery. It had as well be said that our own Revolution was a war for the extension of slavery. So far from it, that no revolt, not even our own, ever had a more just and a more sacred origin. The settlers in Texas went to live under the form of Government which they had left behind in the United States—a Government which extends so many guarantees for life, liberty, property, and the pursuit of happiness, and which their American and English ancestors had vindicated for so many hundred years. A succession of violent changes in Government, and the rapid overthrow of rulers, annoyed and distressed them; but they remained tranquil under every violence which did not immediately bear on themselves. In 1822 the republic of 1821 was superseded by the imperial diadem of Iturbide. In 1823 he was deposed and banished, returned and was shot, and Victoria made President. Mentuno and Bravo disputed the presidency with Victoria, and found, in banishment, the mildest issue known to unsuccessful civil war. Pedraza was elected in 1828; Guerrero overthrew him the next year. Then Bustamente overthrew Guerrero; and, quickly, Santa Anna overthrew Bustamente, and, with him, all the forms of the constitution, and the whole frame of the federative Government. By his own will, and by force, Santa Anna dissolved the existing Congress, convened another, formed the two Houses into one, called it a convention, and made it the instrument for deposing, without trial, the constitutional Vice President, Gomez Farias, putting Barragan into his place, annihilating the State Governments, and establishing a consolidated Government, of which he was monarch under the retained republican title of President. Still the Texians did not take up arms: they did not acquiesce, but they did not revolt. They retained their State Government in operation, and looked to the other States, older and more powerful than Texas, to vindicate the general cause, and to re-establish the federal constitution of 1824. In September, 1835, this was still her position. In that month a Mexican armed vessel appeared off the coast of Texas, and declared her ports blockaded. At the same time General Cos appeared in the west with an army of fifteen hundred men, with orders to arrest the State authorities, to disarm the inhabitants, leaving one gun to every five hundred souls, and to reduce the State to unconditional submission. Gonzales was the selected point for the commencement of the execution of these orders; and the first thing was the arms, those trusty rifles which the settlers had brought with them from the United States, which were their defence against savages, their resource for game, and the guard which converted their houses into castles stronger than those "which the King cannot enter." A detachment of General Cos's army appeared at the village of Gonzales on the 28th of September, and demanded the arms of the inhabitants; it was the same demand, and for the same purpose, which the British detachment under Major Pitcairn had made at Lexington, on the 19th of April, 1775. It was the same demand! and the same answer was given—resistance—battle—victory! for the American blood was at Gonzales as it had been at Lexington; and between using their arms and surrendering their

arms, that blood can never hesitate. Then followed the rapid succession of brilliant events, which, in two months, left Texas without an armed enemy in her borders, and the strong forts of Goliad and the Alamo, with their garrisons and cannon, the almost bloodless prizes of a few hundred Texian rifles. This was the origin of the revolt; and a calumny more heartless can never be imagined than that which would convert this just and holy defence of life, liberty, and property, into an aggression for the extension of slavery.

Just in its origin, valiant and humane in its conduct, sacred in its object, the Texian revolt has illustrated the Anglo-Saxon character, and given it new titles to the respect and admiration of the world.

It shows that liberty, justice, valor--moral, physical, and intellectual power—discriminate that race wherever it goes. Let our America rejoice, let Old England rejoice, that the Brassos and Colorado, new and strange names—streams far beyond the western bank of the Father of Floods—have felt the impress and witnessed the exploits of a people sprung from their loins, and carrying their language, laws, and customs, their *magna charta* and its glorious privileges, into new regions and far distant climes. Of the individuals who have purchased lasting renown in this young war, it would be impossible, in this place, to speak in detail, and invidious to discriminate; but there is one among them whose position forms an exception, and whose early association with myself justifies and claims the tribute of a particular notice. I speak of him whose romantic victory has given to the Jacinto* that immortality in grave and serious history which the diskos of Apollo had given to it in the fabulous pages of the heathen mythology. General Houston was born in the State of Virginia, county of Rockbridge; he was appointed an ensign in the army of the United States during the late war with Great Britain, and served in the Creek campaign under the banners of Jackson. I was the lieutenant colonel of the regiment to which he belonged, and the first field officer to whom he reported. I then marked in him the same soldierly and gentlemanly qualities which have since distinguished his eventful career: frank, generous, brave--ready to do, or to suffer, whatever the obligations of civil or military duty imposed; and always prompt to answer the call of honor, patriotism, and friendship. Sincerely do I rejoice in his victory. It is a victory without alloy, and without parallel, except at New Orleans. It is a victory which the civilization of the age, and the honor of the human race, required him to gain; for the nineteenth century is not the age in which a repetition of the Goliad matins could be endured. Nobly has he answered the requisition; fresh and luxuriant are the laurels which adorn his brow.

It is not within the scope of my present purpose to speak of military events, and to celebrate the exploits of that vanguard of the Anglo-Saxons who are now on the confines of the ancient empire of Montezuma; but that combat of the San Jacinto! it must forever remain in the catalogue of military miracles. Seven hundred and fifty citizens, miscellaneously armed with rifles, muskets, belt pistols, and knives, under a leader who had never seen service, except as a subaltern, march to attack near double their numbers—march in open day across a clear prairie, to attack upwards of twelve hundred veterans, the elite of an invading army of seven thousand, posted in a wood, their flanks secured, front intrenched, and commanded by a general trained in civil wars, victorious in numberless battles, and chief of an empire of which no man becomes chief except as conqueror. In twenty minutes the position is forced. The combat becomes a carnage. The flowery prairie is stained with blood; the hyacinth is no longer blue, but scarlet. Six hundred Mexicans are dead; six hundred more are prisoners, half wounded; the President General himself is a prisoner; the camp and baggage all taken; and the loss to the victors, six killed and twenty wounded. Such are the results, and which no European can believe, but those who saw Jackson at New Orleans. Houston is the pupil of Jackson; and he is the first self-made general, since the time of Mark Antony, and the King Antigonus, who has taken the general of the army and the head of the Government captive in battle. Different from Antony, he has spared the life of his captive, though forfeited by every law, human and divine.

I voted in 1821 to acknowledge the absolute independence of Mexico; I vote now to recognise the contingent and expected independence of Texas. In both cases the vote is given upon the same principle—upon the principle of disjunction where conjunction is impossible or disastrous. The union of Mexico and Spain had become impossible; that of Mexico and Texas is no longer desirable or possible. A more fatal present could not be made than that of the future incorporation of the Texas of La Salle with the ancient empire of Montezuma. They could not live together, and extermination is not the genius of the age; and, besides, is more easily talked of than done. Bloodshed only could be the fruit of their conjunction; and every drop of that blood would be the dragon's teeth sown upon the earth. No wise Mexican should wish to have this Trojan horse shut up within their walls.

The debate was further continued by Mr. PRESTON, who asked for the yeas and nays on the resolution; which were ordered, and the question being taken, was decided as follows:

YEAS—Messrs. Bayard, Benton, Black, Buchanan, Calhoun, Clay, Clayton, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hendricks, Kent, King of Alabama, King of Georgia, Leigh, Linn, Mangum, Moore, Nicholas, Niles, Page, Porter, Preston, Rives, Robbins, Robinson, Ruggles, Southard, Swift, Tallmadge, Tomlinson, Walker, Wall, Webster, White, Wright—39.

So the resolution was unanimously adopted.

On motion of Mr. SWIFT, the Senate agreed to take a recess from 3 to 5 o'clock.

After taking up and going through with several bills,

The Senate took a recess until 5 o'clock.

EVENING SESSION.

INDIAN APPROPRIATIONS.

Mr. WHITE, from the Committee on Indian Affairs, reported the bill from the House making appropriations for carrying into effect certain Indian treaties, with amendments.

The bill was taken up, and, after some discussion between Mr. WHITE and Mr. WEBSTER, the amendments were ordered to be engrossed.

FORTIFICATIONS.

The bill making appropriations for fortifications was received from the House, with a message concurring in one amendment, and non-concurring in the other.

On motion of Mr. WEBSTER, the Senate receded from the amendments which had not received the concurrence of the House.

DELAWARE BREAKWATER.

The Senate took up the bill making additional appropriations for the Delaware breakwater, &c.

There was a discussion on this bill, in which Mr. DAVIS, Mr. MANGUM, Mr. BUCHANAN, Mr. WALKER, Mr. PRESTON, Mr. PORTER, Mr. LINN, Mr.

* Hyacinth; hyacinthus; huakinthos; water flower.

MOORE, Mr. CALHOUN, Mr. WEBSTER, Mr. LEIGH, Mr. WRIGHT, and Mr. SOUTHARD, took part.

The Committee on Commerce had reduced the amount of appropriations in this bill one third from that which had passed the House.

Mr. CLAYTON asked for the yeas and nays on the reduction made by the committee of the appropriation for Newcastle harbor, in order that he and his colleague might record their votes against it.

The yeas and nays being ordered, the question was taken, and decided in favor of the reduction: Yeas 22, nays 5.

The other amendments of the committee were concurred in.

On motion of Mr. DAVIS, the bill was amended by the addition of an appropriation of $30,000 for surveys, under an existing law of Congress.

The bill was then reported to the Senate, and ordered to a third reading by the following vote:

YEAS—Messrs. Bayard, Clayton, Davis, Ewing of Ohio, Ewing of Illinois, Goldsborough, Hendricks, King of Alabama, Linn, Niles, Page, Robbins, Robinson, Southard, Swift, Tallmadge, Tomlinson, Wall, Webster, Wright—20.

NAYS—Messrs. Calhoun, King of Georgia, Leigh, Walker, White—5.

At half past one, the Senate adjourned.

SATURDAY, JULY 2.

ABOLITION PETITIONS.

Mr. MORRIS remarked that it was well known that he had had in his possession during the session several abolition petitions, which, for reasons heretofore given by him, he had failed to present. He now asked leave to present them, and moved that they be referred to the Committee on the District of Columbia.

Mr. WALKER demanded the question as to the reception of the memorials; and, on motion of Mr. W., this question was laid on the table.

PENSION BILL.

Mr. TOMLINSON moved to take up the bill to grant half pay to the widows and orphans of those who have died, or may hereafter die, in the service of the United States.

Mr. PRESTON opposed the motion.

Mr. TOMLINSON called for the yeas and nays on the question; which were ordered, and it was decided in the affirmative: Yeas 18, nays 15, as follows:

YEAS—Messrs. Bayard, Buchanan, Cuthbert, Ewing of Illinois, Grundy, Hendricks, King of Alabama, King of Georgia, Linn, Nicholas, Robinson, Southard, Tallmadge, Tipton, Tomlinson, Wall, Webster, White—18.

NAYS—Messrs. Black, Calhoun, Ewing of Ohio, Goldsborough, Kent, Leigh, Mangum, Moore, Porter, Preston, Robbins, Ruggles, Swift, Walker, Wright—15.

Mr. TOMLINSON explained and advocated the bill.

Mr. PRESTON opposed it, as extending the pension system to an enormous and alarming degree.

The debate was continued by Messrs. CALHOUN and KING of Georgia, who moved to amend the bill by confining its benefits to the widows and orphans of those who have died or may die of wounds actually received in service, or who have been killed or may be killed in action.

After a debate the amendment was adopted.

Mr. TOMLINSON submitted a further amendment, embracing the widows and children of certain revolutionary pensioners who have died since March, 1831; and an amendment at the suggestion of Mr. BUCHANAN, to provide for widows of revolutionary officers and soldiers who were married during the war and who have remained widows since; which amendments were agreed to, and the bill was ordered to a third reading.

DELAWARE BREAKWATER.

The bill making additional appropriations for completing the Delaware breakwater, and for the improvement of certain harbors, and for removing obstructions in certain rivers, was read the third time and passed: Yeas 25, nays 12, as follows:

YEAS—Messrs. Bayard, Benton, Buchanan, Cuthbert, Davis, Ewing of Illinois, Ewing of Ohio, Goldsborough, Grundy, Hendricks, King of Alabama, Linn, Niles, Page, Robbins, Robinson, Ruggles, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, Wright—25.

NAYS—Messrs. Black, Calhoun, Clay, King of Georgia, Leigh, Mangum, Nicholas, Porter, Preston, Rives, Walker, White—12.

DEFENCE OF THE FRONTIER.

The bill to provide for the better protection of the western frontier was taken up.

Mr. CALHOUN said a few words in opposition to the bill, and proposed laying it on the table, that the subject might be taken up next winter, when they would be in possession of the estimates and surveys for the military road contemplated.

Mr. LINN and Mr. BENTON severally addressed the Senate in support of the bill; after which it was ordered to a third reading, and subsequently read the third time and passed.

LIGHTHOUSE BILL.

Mr. DAVIS, from the Committee on Commerce, made a report on the bill from the House making appropriations for lighthouses, &c., referred to that committee yesterday. The report states that, in so short a period as that allowed to them, it had been found impossible to give to the bill that examination which its importance required; and, although there are many useful objects which must suffer, the committee find themselves compelled to return the bill, for the Senate to make such disposition of it as may be thought desirable.

HARBOR BILL.

Mr. DAVIS, from the Committee on Commerce, reported the bill making appropriations for certain harbors, &c., with amendments.

The Senate then proceeded to the consideration of the bill.

The amendments reported from the committee were considered and agreed to.

On the amendment striking out the appropriation of $8,000 for the improvement of Chagrin river, and of $20,000 for the improvement of the mouth of Maumee river, Mr. EWING, of Ohio, resisted the striking out; but the amendment was agreed to: Ayes 23, noes not counted.

Some discussion ensued, in which Mr. DAVIS, Mr. CALHOUN, Mr. WEBSTER, and Mr. NILES, took part, until 3 o'clock, when the Senate took a recess till 5 o'clock.

EVENING SESSION.

HARBOR BILL.

The Senate resumed the consideration of the bill making appropriations for harbors, &c.

Mr. SOUTHARD moved to strike out the appropriation for an ice-breaker, &c., on Staten Island.

The amendment was negatived: Ayes 14, noes 15.

Mr. PRESTON moved to amend the bill by striking out the appropriation of $20,000 for deepening the harbor of Baltimore.

Mr. GOLDSBOROUGH and Mr. KENT defended the appropriation.

Mr. KING, of Georgia, said he might be disposed to go somewhat at length into the subject of the bill, had not the most important principles connected with it already been very fully discussed. As we were pressed for time, his principal object was to give to the Senate the history of our legislation upon the subject of harbors, more in detail than had been presented, by which it would be seen that gentlemen were greatly mistaken when they supposed that this system had age to recommend it. He was astonished at the mistake of the Senator from Pennsylvania, [Mr. BUCHANAN,] and the Senator from Massachusetts, [Mr. WEBSTER,] who had stated that we were only pursuing the policy adopted by the Government from the date of the constitution.

Congress had passed an act in 1789, to pay the expenses of keeping in repair such lighthouses, buoys, beacons, public piers, &c., as the States might cede to the General Government. Some cessions were made, and the statute had been executed at a very trifling expense, for the system of jobbing had not been encouraged by the State Governments, which had only constructed such works as were of some utility.

But on the passage of this act did we find States, commercial cities, corporations, villages, and private speculating companies, pouring in upon Congress to improve their harbors, and make new ones, at the common expense of the nation? Not so. They never dreamed of such a thing. Such works had been constructed at the expense of those who were benefited by them, and it never occurred to any body that such works should be constructed at the national cost. Until recently, a system had been introduced resulting in benefits entirely local, building up cities and enriching individuals at the cost of the Government.

He had drawn off, he said, a statement which would show how far Senators were in error when they supposed this system had commenced with the Government. The first appropriation which he had been able to find for such objects as those contained in the bill was in 1816. Mr. K. then read to the Senate the following statement of appropriations made for harbors by the General Government:

Appropriations for surveys, harbors, and rivers.

1816	$30,000
1817	–
1818	–
1819	–
1820	–
1821	2,500
1822	11,500
1823	6,500
1824	40,000
1825	57,085
1826	133,505
1827	41,850
	$322,000

Here was a little upwards of three hundred thousand dollars appropriated by the Government between 1789 and 1828, and not one dollar had been appropriated for these objects for twenty-seven years after the adoption of the constitution; yet some shrewd patriots had all at once discovered that the commerce of the country would be ruined, unless two or three millions per annum should be appropriated by the Government for these local and partial purposes. Mr. K. continued the statement. He said in 1828 the breakwater was commenced, and $250,000 was appropriated for that purpose, and something for other objects, as follows:

1828 (including $250,000 for Delaware breakwater,)	$317,402
1829	10,181
1830	–
1831	671,000
1832	541,300
1833	457,256
1834-5	458,056

Thus the history of this harbor-making would be seen. It never commenced till 1816, when a small appropriation of $30,000 was made. Was that a precedent so popular as to be immediately followed up? No; Congress seemed so alarmed at that small transgression, that nothing more was appropriated until 1821, when the small sum of $2,500 only was appropriated, and the appropriations continued to be trifling, and principally for old works, except the Delaware breakwater, till 1832, a year which would be long remembered by the political economist of this country, as one in which a premium was offered to any one who could suggest the best means of squandering the public money. From that time the appropriations had averaged about half a million, till this year. This year, said he, we had sent to us bills from the House for near three millions, including lighthouses, and upwards of two millions for harbors alone. The bill for new works, then before the Senate as sent from the House, was near a million, and, by an estimate made by the intelligent chairman of the Committee of Ways and Means in the House, was the commencement only of an expenditure of at least ten millions on the new works proposed. He thought the expenditure would be much more, and, from past experience in such works, the proposed new works would cost thirty millions; for it was a singular fact, that this local jobbing, once commenced, was almost interminable; and some works had cost annually, for many years, as much as the first estimate, and the estimated cost of completion more than the original estimate. It would always be so, when we undertook to war against nature, and make harbors where God never intended them, or to appropriate money merely to give a job by its expenditure. This vast expenditure was almost entirely confined to one section of the country, and was drawn from the Treasury by local combinations for no national purpose. It could not be borne by the people generally, when understood. If the proceedings of this session were an earnest of what we had to expect in future, he looked upon the subject as one of the most important that had ever agitated the councils of the country. There was nothing national in it, and the tariff was a blessing to the South, when compared with it. The tariff benefited large communities, and however onerous, was national and patriotic in its origin, and the patriotic of every section of the country were disposed to forbear long with those who struggled to maintain interests that had grown up under it. But this was a new system of local bounties and private speculation. Those who had the most modesty got the least money, and those who had the least conscience got the most money. The South had constitutional scruples upon the subject, and asked for nothing, got nothing, wanted nothing. It was, he said, not only internal improvements, but internal improvements in the worst form, and (except for our naval stations) he would like to know how those opposed to internal improvements could vote for cutting out a harbor to aid the approach of vessels to a village, and could not vote for a road between one State or one city and another. They pretended to derive their power from the power to "regulate commerce with foreign nations." Well, did not the same power, in the words, extend to the regulation of commerce "among the several States?" If one was unconstitutional, the other was equally so; and the advantage was greatly in favor of the road in every other view;

for that would be a useful highway for all the world who travelled it, and the other confined its advantages to enriching a petty corporation, or a few individuals.

But it had been said by the Senator from Massachusetts [Mr. DAVIS] that our revenue was collected at these ports; and there was an obligation to open them and keep them in repair on that account. And was our revenue increased by clearing out and multiplying these harbors? Not a single dollar. On the contrary, the more the ports were multiplied, the greater the expenses of collection; and consequently the revenue was diminished by the amount of this increase, and by all we expended on harbors beside. How would our national commerce suffer by an obstruction in the harbor of a particular city? If there should be an obstruction in the harbor of New York, it would only give a neighboring city some advantage, until New York, whose interest was affected, removed the obstruction. But if the Government removes the obstruction, other cities contribute to these very improvements, which have a direct tendency to injure them. If the ports of Charleston or Philadelphia, he said, had advantages over New York, that was a matter of rival interest between those cities, and had always been so considered, until this modern invention of taxing the people of the United States to relieve those who were alone interested.

The Senator from Massachusetts [Mr. WEBSTER] had stated that other Governments had paid for opening and repairing harbors in their commercial cities. This, he thought, was not generally true. Some of the despotic sovereigns of Europe, without any limitation of power or sense of justice, occasionally took cities under their royal protection, and disbursed the public money upon them without regard to any particular rule. But the rule, he believed, was most generally to authorize the city to levy a tonnage duty on vessels for this purpose; this was the correct mode; this gave to each city its own natural advantages, and taxed those who had the benefit of the improvement.

The Senator from Massachusetts, he said, was equally in error, when he stated that the States or cities had never considered themselves bound to keep their own ports in repair since the adoption of the constitution. This was directly contradicted by the history of every important seaport in the Union, and particularly that of Baltimore, which had just been mentioned by the Senator from South Carolina, [Mr. PRESTON.] Maryland had granted an annual appropriation for Baltimore of $30,000, to keep the harbor of that city in repair. As a punishment to the city for the late outrages on private property, permitted and committed by its citizens, that fund had been taken to indemnify those who had suffered by those outrages. And now, for the first time, Baltimore comes here, and, by joining in the combination, gets the same amount from the national Treasury. This, Mr. K. said, was a fair illustration of the whole system. Maryland comes into the concern, and the people of the United States are made to pay for the depredations of a Baltimore mob.

Again, said Mr. K., I have shown that harbors have been made and improved by those to whom they belonged, from 1789 until a few years back, or have not been made or improved at all. And if they had needed no improvement for so many years, he thought it good evidence that this rush for millions all at once was uncalled for by the public interest. The truth was, the public had nothing to do with the matter. This vast combination, that was to plunder the Treasury of so many millions, was made up of interests purely private and local. What was constantly the language used on the floor of both Houses, if any member expressed a doubt, who had a few thousands offered to his own State, to bribe him into silence? Why, it was, "if you don't want it, strike it out;" and was a great national interest to be controlled by the simple wish of an individual? But such language was perfectly natural, considering the manner in which these speculations and jobs were got up. Who asked for or recommended them? Any general interest? No; the applications were all from cities, from individuals, or from companies who laid out sites for towns, got Congress to make them an appropriation for a harbor, and then sold out their lots on speculation. Thousands were squandered in bribes for votes, by making an appropriation for objects entirely useless, and where the only advantage was a job in the expenditure of the money.

Mr. K. said it could not be disguised, and ought not to be denied, that this abominable system of plunder was carried through Congress by interested combinations, and could succeed in no other way. Members, by the skill of the managers, were frequently placed in such a situation that they were obliged to vote for the bill, however objectionable, to save themselves with their constituents. An honest member of the other House had told him that he had in this way been compelled to vote for the bill, although he pronounced it "a bill of abominations," and hoped it might be arrested in the Senate. The member alluded to had pronounced this new harbor bill one of the most corrupt combinations of interested speculation that had ever disgraced the country, and such Mr. K. said he believed it.

Mr. K. then called the attention of the Senate to another trick by which these managers had furnished evidence of their skill. It would be recollected that we had passed a moderate harbor bill long since, and sent it to the other House. We have never heard of it since, said Mr. K., until we find it actually incorporated in the monster before us. Why was this? Why, it was only to unite the interests of the two bills. Among other things, no doubt, great calculations of strength were made, by uniting the breakwater with the improvement of the Mississippi, and by this unnatural union between the French and the Friends, we are, said he, swept on by a current as irresistible as that of the Mississippi itself.

And here he was reminded, he said, of the curious argument of the Senator from Connecticut, [Mr. NILES.] That Senator had given us sound doctrine, with much ability, and great earnestness. He had pronounced the whole system wrong, partial, unconstitutional, and unjust, and condemned the bill as very objectionable; yet concluded by saying he should vote for the bill, because, now the system had commenced, we could not stop it! I know "we can't stop it," said Mr. K., unless we vote against it. This fraudulent expenditure is doubling on us by millions per annum, and gentlemen denounce it, as in duty bound; express their alarm, shut their eyes, and vote for it; and say, "we can't stop it." Mr. K. said he felt some difficulty in comprehending the principle which led to this fatal necessity.

He hoped even the friends of the bill would have some mercy upon the South and West, and be satisfied at the present session with the enormous bill already passed. Let us, said he, have a little time to recover from the shock, and look into this heavy bill pushed upon us at the very last hour of the last day of the session, involving an expenditure so enormous, and which the committee themselves tell us they have had no time to examine. He hoped they would allow the bill to lie over till the next session, to give time to learn, at least, where the places are for whose benefit we proposed to saddle the country with such a vast expenditure. There was another reason, he said, why the friends of the bill should be content with this course. That was, the great amount of our appropriations during the present year, and the extreme difficulty of procuring labor at any

price. Labor was now one hundred per cent. on the usual prices. And the great additional demand that would be created by these large Government expenditures would render it impossible to expend any thing during the present year with any regard to economy. He hoped these considerations would induce the Senate to postpone the bill to the first day of the next session, and he made a motion for that purpose.

Messrs. WALKER and MANGUM addressed the Senate in favor of Mr. KING's motion.

Mr. KING, of Georgia, then withdrew his motion, and moved to strike out all the items in the bill except the item of $75,000 for improving the mouth of the Mississippi, and asked for the yeas and nays; which were ordered.

The question was taken, and decided as follows: Yeas 17, nays 21:

YEAS—Messrs. Black, Calhoun, Clay, Cuthbert, Ewing of Ohio, Grundy, King of Alabama, King of Georgia, Leigh, Mangum, Moore, Nicholas, Porter, Preston, Rives, Walker, White—17.

NAYS—Messrs. Bayard, Benton, Buchanan, Davis, Ewing of Illinois, Goldsborough, Hendricks, Kent, Linn, Niles, Page, Robbins, Robinson, Ruggles, Southard, Swift, Tallmadge, Tipton, Tomlinson, Webster, Wright—18.

So the motion of Mr. KING was negatived.

Mr. KING, of Georgia, renewed his motion to postpone the further consideration of the bill until the first Monday in December, and asked the yeas and nays; which were ordered.

The question was taken, and decided as follows: Yeas 17, nays 22:

YEAS—Messrs. Black, Calhoun, Clay, Cuthbert, Ewing of Ohio, Grundy, King of Alabama, King of Georgia, Leigh, Mangum, Moore, Nicholas, Porter, Preston, Rives, Walker, White—17.

NAYS—Messrs. Bayard, Benton, Buchanan, Davis, Ewing of Illinois, Goldsborough, Hendricks, Kent, Linn, Niles, Page, Robbins, Robinson, Ruggles, Southard, Swift, Tallmadge, Tipton, Tomlinson, Wall, Webster, Wright—22.

So the Senate refused to postpone the bill.

The question was then taken on the renewed motion of Mr. PRESTON to strike out the clause of $20,000 for deepening the harbor of Baltimore; which was rejected: Ayes 14.

The bill was then reported as amended, and the amendments having been concurred in, the yeas and nays were ordered on the question of engrossment and reading it a third time.

There was a brief discussion between Mr. CLAY, Mr. PRESTON, Mr. WALKER, Mr. BUCHANAN, and Mr. KENT, when

Mr. PRESTON moved to strike out the item of five hundred dollars for a survey of the mouth of the Susquehanna, but withdrew his motion.

Mr. KING, of Georgia, renewed the motion, and called for the yeas and nays; which were ordered; and the question was then taken, and decided in the negative: Yeas 14, nays 24.

Mr. PRESTON moved to strike out the appropriation for the harbor of Georgetown, South Carolina: Yeas 21, nays 15.

Mr. KING, of Georgia, moved to strike out the appropriation of $10,000 for the harbor of Brunswick; which was negatived.

The amendments were then ordered to be engrossed, and the bill to be read a third time: Yeas 21, nays 17.

The bill was then passed.

APPROPRIATION BILL.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the amendments of the House to the bill in addition to the act making appropriations in part for the support of Government for the year 1836, made a report thereon, recommending that the Senate concur in the amendments of the House, with the exception of the amendments "for removing the naval monument to the botanic garden, $2,000," and "for extending the enclosures of the Capitol square, $25,000," which they recommend to be stricken out.

On taking the question of concurring with the committee as to striking out the provision for extending the grounds, the Senate refused to strike it out.

The appropriation of $2,000 for removing the naval monument was stricken out.

Mr. KING, of Georgia, moved that the Senate do not concur in the amendment of the House appropriating —— dollars for the purchase of books and documents for the new members; which motion was agreed to: Yeas 15, nays 10.

The other amendments were concurred in.

CHOCTAW TREATY.

Mr. MOORE moved to take up the bill for the adjustment of certain claims to reservations of lands, under the fourteenth article of the treaty of Dancing Rabbit creek, with the Choctaw Indians; which motion was agreed to.

Mr. WALKER moved to amend the bill by striking out the whole of it, and inserting in lieu thereof a provision appropriating $30,000, in addition to the sum already appropriated, for the removal of the Choctaw Indians now in the State of Mississippi to the west of the Mississippi river.

Mr. PRESTON submitted whether it was in order to move to strike out the subject of the bill, and to insert an entirely different subject.

The CHAIR decided that it was always proper to move to strike out and insert.

After a debate, in which Messrs. WALKER and MOORE took part,

Mr. EWING, of Ohio, moved to lay the bill on the table; which motion was agreed to.

After taking up and finally acting upon several other bills,

It was ordered, on motion of Mr. EWING, of Ohio, that when the Senate adjourns, it adjourn to meet at 8 o'clock on Monday morning.

The Senate then (at 3 o'clock) adjourned, only eight members being present.

MONDAY, JULY 4.

ADJOURNMENT.

Mr. GRUNDY submitted a resolution for the appointment of a joint committee to wait on the President of the United States and inform him that the two Houses were ready to adjourn, and desired to know whether he had any further communication to make to them.

On the suggestion of Mr. WHITE, the resolution was suffered to lie on the table for the present.

MRS. ANN ROYALL.

On motion of Mr. PRESTON, the report of the Committee on Revolutionary Claims, unfavorable to the petition of Mrs. Ann Royall, was taken up.

Mr. P. moved to reverse the report, so as to read that the prayer of the petitioner ought to be granted.

Mr. WHITE explained the nature of the claim, [interest on the commutation for half pay of the petitioner's husband, a captain in the revolutionary war.]

Messrs. PRESTON and WALKER briefly advocated the claim, and after some remarks from Messrs. WHITE and MANGUM, the report was laid on the table.

SUSPENSION OF THE RULES.

A message was received from the House of Repre-

sentatives, by Mr. FRANKLIN, their Clerk, stating that the House had suspended the seventeenth joint rule of the two Houses, which declares that no bill shall be sent to the President for his signature on the last day of the session, until two o'clock, so far as relates to the bill for the repair of the Potomac bridge; the bill to amend the judicial system of the United States; the bill repealing the provisions in the tenth section of the tariff act of 1832; the bill to confirm certain land claims in Missouri; the bill to repeal the provisions of the act of 1792, which requires issuing the certificates on imported wines; and the bills that were passed by both Houses on Saturday, and not submitted to the President.

The question on taking up this resolution requiring the unanimous consent of the Senators present,

Mr. MANGUM objected to the consideration of the resolution.

The CHAIR declaring that the resolution could not be considered,

Mr. WALKER said he felt strongly inclined to appeal from the decision of the Chair.

The CHAIR then read the 48th rule of the Senate.

Messrs. LINN and WALKER expressed their wishes that the Senator from North Carolina would withdraw his objections, so far as related to the bill to confirm land claims in Missouri, and the bill to carry into effect the compact between the United States and the States of Mississippi and Alabama.

Mr. MANGUM said he felt constrained to avail himself of the privilege conferred on him by the rule, and object to the resolution. His long experience in the Senate had convinced him of the great advantages resulting from the rule which the House proposed to suspend, and the great mischiefs that would result from dispensing with it. It had been adopted after a full knowledge of the inconveniences of the old practice, and had been found to have the most beneficial effects. They all knew the experience of Congress was such, that some of the most important bills had been passed on the last night of the session, without debate, whipt through the other House, and they (the Senate) were called on to assent to them without knowing whether they were passed by a quorum or not.

Although he felt the strongest disposition to yield to the wishes of gentlemen whose constituents were interested in particular measures, yet, on this occasion, he felt it his duty to persist in his objections. He felt that making any exceptions would be equivalent to a departure from the rule altogether; and if they excepted in favor of any particular measures in the Senate, why might not the House do the same thing, and carry it farther? He appealed to gentlemen whether his course in that body had not always been conciliatory and ready to yield to the wishes of a majority; and he assured gentlemen that, in this instance, he was actuated by no unkind or unaccommodating feelings, but solely by a sense of duty.

Mr. CALHOUN said they all knew that this rule was adopted after many years of experience, and that, on the last day of the session, the Executive had no opportunity to examine a number of bills. He felt obliged to the Senator from North Carolina for making his objections, as he thought it highly important that the rule should not be relaxed.

Mr. LINN did not suppose, for a moment, that his friend from North Carolina was actuated by any unkind feelings, but that his objections were prompted by a sense of duty; but he begged him to reflect a moment whether there were not occasions on which the most rigid rule should be dispensed with, and whether this was not one of them. It appeared (Mr. L. said) that this rule had been relaxed on more than one occasion, and he trusted the gentleman would see that there were some reasons for not so rigidly adhering to it now. If there was one single bill that ought to pass, why let it be excepted; but if it should be found that all ought not to pass, or that there were objections to them tending to create discussion, why let them fall. In this particular case he wished to except from the rule the bill for the confirmation of land claims in Missouri; a measure to which there was not the slightest objection, and one of the greatest interest to his constituents, who had been long anxiously looking for its passage. He should regret exceedingly to see that measure, which had passed both Houses, and only waited the President's signature to become a law, cut off by the rigid adherence to a rule which could not have been intended to apply to such a case. He could not conceive that it was the duty of the Senate of the United States to make its rules as irreversible as the laws of the Medes and Persians, or that it ever intended to make rules that should by no possibility be relaxed. He admitted the general propriety of the rule, but he repeated the hope that the Senator from North Carolina would see that there were occasions on which it might be departed from.

Mr. WALKER felt conscious that the objections of the Senator from North Carolina, and sustained by the Senator from South Carolina, resulted from a strict sense of duty; but he appealed to those gentlemen whether their objections to bills that had been passed in a hurry, rightfully applied to bills that passed after full consideration, and to which there were no objections. He begged gentlemen to consider whether such bills ought not to be excepted from the general rule. The bill he particularly referred to, and which he felt so anxious should become a law, was the bill to carry into effect the compact between the United States and the States of Alabama and Mississippi, relative to the sixteenth sections of school lands, which passed the Senate two months ago, was reported favorably on by the Committee on Public Lands unanimously, having the sanction of its chairman, [Mr. EWING, of Ohio,] who was so rigid in his examination of every bill relating to the public lands. Now, he appealed to gentlemen whether the rule ought to apply to such a bill as this. He did not wish the rule to be suspended with regard to any bill to which there was the slightest objection; and he hoped the Senator from North Carolina would yield to the general wish of the Senate, and withdraw his opposition.

Mr. BLACK read a list of the bills which would be sent to the President under the resolution, if adopted by the Senate, and said that he would offer an amendment to prevent its being carried further.

After some remarks from Mr. PORTER,

The CHAIR stated that the rule was imperative. The rule was, that no bill or resolution should be sent to the President on the last day of the session. The Chair, however, felt bound to sign the bills, and, in the mean time, any gentleman who thought proper might appeal from the decision.

Mr. MANGUM said that, the measure he regarded as the most pernicious not being included in the resolution, he would yield to the wishes of his friends and withdraw his objections.

Mr. LINN said that his friend from North Carolina, in withdrawing his objections, had acted with that kindness and good feeling which had always characterized his course in that body. If he could mention one act which would confer a greater degree of happiness on a particular portion of the people, he would refer to the bill he had already mentioned; and in behalf of those who would be so essentially benefited by this most just and necessary measure, he returned his thanks to the Senator from North Carolina for withdrawing his objections to the suspension of the rule.

After some remarks from Messrs. WALKER and BENTON,

Mr. BLACK offered an amendment to the rule of the House, specifying particularly all the acts which should be embraced in it, and confining its operation to them solely; but, at the suggestion of the Chair, modified his amendment so as to make the resolution of the House read as follows:

Resolved, That the 17th joint rule of the two Houses of Congress, which declares that no bill or resolution shall be submitted to the President for his signature on the last day of the session, be suspended so far as respects such acts and resolutions as have already passed both Houses, and received the signatures of their presiding officers.

The resolution, thus amended, was agreed to, and sent to the other House for concurrence; after which,

A message was received from the House of Representatives by Mr. FRANKLIN, their Clerk, stating that they had concurred in the amendment.

After the consideration of executive business,

A message was received from the President of the United States, by Mr. DONELSON, his secretary, stating that he had signed the several bills (specifying them by their titles) submitted to him on that day.

The motion submitted by Mr. GRUNDY, for the appointment of a joint committee to wait on the President of the United States to inform him that the two Houses of Congress were ready to adjourn, and desiring to know whether he had any further communications to make to them, was taken up and agreed to.

After waiting some time,

Mr. GRUNDY, from the joint committee appointed to wait on the President, reported that they had performed the duty assigned them, and that the President had answered that he had no further communications to make to Congress.

On motion of Mr. BUCHANAN,

The Senate adjourned *sine die*.

DEBATES

IN

THE HOUSE OF REPRESENTATIVES.

LIST OF MEMBERS

Of the House of Representatives at the first session of the twenty-fourth Congress.

MAINE—Jeremiah Bailey, George Evans, John Fairfield, Joseph Hall, Leonard Jarvis, Moses Mason, Gorham Parks, Francis O. J. Smith—8.

NEW HAMPSHIRE—Benning M. Bean, Robert Burns, Samuel Cushman, Franklin Pierce, Joseph Weeks—5.

MASSACHUSETTS—John Quincy Adams, Nathaniel B. Borden, George N. Briggs, William B. Calhoun, Caleb Cushing, George Grennell, jr., Samuel Hoar, William Jackson, Abbot Lawrence, Levi Lincoln, Stephen C. Phillips, John Reed—12.

RHODE ISLAND—Dutee J. Pearce, W. Sprague—2.

CONNECTICUT—Elisha Haley, Samuel Ingham, Andrew T. Judson, Lancelot Phelps, Isaac Toucey, Zalmon Wildman—6.

VERMONT—Heman Allen, Horace Everett, Hiland Hall, Henry F. Janes, William Slade—5.

NEW YORK—Samuel Barton, Samuel Beardsley, Abraham Bockee, Matthias J. Bovee, John W. Brown, C. C. Cambreleng, Graham H. Chapin, Timothy Childs, John Cramer, Ulysses F. Doubleday, Valentine Efner, Dudley Farlin, Philo C. Fuller, William K. Fuller, Ransom H. Gillet, Francis Granger, Gideon Hard, Abner Hazeltine, Hiram P. Hunt, Abel Huntington, Gerrit Y. Lansing, George W. Lay, Gideon Lee, Joshua Lee, Stephen B. Leonard, Thomas C. Love, Abijah Mann, jr., William Mason, John McKeon, Ely Moore, Sherman Page, Joseph Reynolds, David Russell, William Seymour, Nicholas Sickles, William Taylor, Joel Turrill, Aaron Vanderpoel, Aaron Ward, Daniel Wardwell—40.

NEW JERSEY—Philemon Dickerson, Samuel Fowler, Thomas Lee, James Parker, Ferdinand S. Schenck, William N. Shinn—6.

PENNSYLVANIA—Joseph B. Anthony, Michael W. Ash, John Banks, Andrew Beaumont, Andrew Buchanan, George Chambers, William P. Clark, Edward Darlington, Harmar Denny, Jacob Fry, jr., John Galbraith, James Harper, Samuel S. Harrison, Joseph Henderson, William Hiester, Edward B. Hubley, Joseph R. Ingersoll, John Klingensmith, jr., John Laporte, Henry Logan, Job Mann, Thomas M. T. McKennan, Jesse Miller, Matthias Morris, Henry A. Muhlenberg, David Potts, jr., Joel B. Sutherland, David D. Wagener—28.

DELAWARE—John J. Milligan—1.

MARYLAND—Benjamin C. Howard, Daniel Jenifer, Isaac McKim, James A. Pearce, John N. Steele, Francis Thomas, James Turner, George C. Washington—8.

VIRGINIA—James M. H. Beale, James W. Bouldin, Nathaniel H. Claiborne, Walter Coles, Robert Craig, George C. Dromgoole, James Garland, G. W. Hopkins, Joseph Johnson, John W. Jones, George Loyall, Edward Lucas, John Y. Mason, William McComas, Charles F. Mercer, William S. Morgan, John M. Patton, John Roane, John Robertson, John Taliaferro, Henry A. Wise—21.

NORTH CAROLINA—Jesse A. Bynum, Henry W. Connor, Edmund Deberry, James Graham, Micajah T. Hawkins, James J. McKay, William Montgomery, Ebenezer Pettigrew, Abraham Rencher, William B. Shepard, Augustine H. Shepperd, Jesse Speight, Lewis Williams—13.

SOUTH CAROLINA—Robert B. Campbell, William J. Grayson, John K. Griffin, James H. Hammond, Richard J. Manning, Francis W. Pickens, Henry L. Pinckney, James Rogers, Waddy Thompson, jr.—9.

GEORGIA—Jesse F. Cleveland, John Coffee, Thomas Glasscock, Seaton Grantland, Charles E. Haynes, Hopkins Holsey, Jabez Jackson, George W. Owens, George W. B. Towns—9.

ALABAMA—Reuben Chapman, Joab Lawler, Dixon H. Lewis, Francis, S. Lyon, Joshua L. Martin—5.

MISSISSIPPI—David Dickson, J. F. H. Claiborne—2.

LOUISIANA—Rice Garland, Henry Johnson, Eleazer W. Ripley—3.

TENNESSEE—John Bell, Samuel Bunch, William B. Carter, William C. Dunlap, John B. Forester, Adam Huntsman, Cave Johnson, Luke Lea, Abram P. Maury, Balie Peyton, James K. Polk, E. J. Shields, James Standefer—13.

KENTUCKY—Chilton Allan, Lynn Boyd, John Calhoon, John Chambers, Richard French, Wm. J. Graves, Benjamin Hardin, James Harlan, Albert G. Hawes, Richard M. Johnson, Joseph R. Underwood, John White, Sherrod Williams—13.

MISSOURI—Wm. H. Ashley, Albert G. Harrison—2.

ILLINOIS—Zadok Casey, William L. May, John Reynolds—3.

INDIANA—Ratliff Boon, John Carr, John W. Davis, Edward A. Hannegan, George L. Kinnard, Amos Lane, Jonathan McCarty—7.

OHIO—William K. Bond, John Chaney, Thomas Corwin, Joseph H. Crane, Thomas L. Hamer, Elias Howell, Benjamin Jones, William Kennon, Daniel Kilgore, Sampson Mason, Jeremiah McLene, William Patterson, Jonathan Sloane, David Spangler, Bellamy Storer, John Thompson, Samuel F. Vinton, Taylor Webster, Elisha Whittlesey—19.

DELEGATES.

ARKANSAS TERRITORY—Ambrose H. Sevier.
FLORIDA TERRITORY—Joseph M. White.
MICHIGAN TERRITORY—George W. Jones.

MONDAY, DECEMBER 7, 1835.

At twelve o'clock, M., the House was called to order by Mr. FRANKLIN, the Clerk of the last Congress.

The roll was then called by States, when two hundred and twenty-four members, constituting a quorum, having answered to their names, the Clerk announced that the first business in order was the election of a Speaker.

Mr. PATTON said he did not know by what authority it was that the election of Speaker, about to take place, was to be done, as announced by the Clerk, by ballot—necessarily by ballot. If it was competent for Mr. P. to do so, he should move, without desiring any discussion on the question, that the election be made *viva voce*.

Mr. MERCER doubted whether that body, unorganized as it was, was competent to act on such a question; and, besides, he humbly conceived that it would be unwise to entertain it, as it would necessarily give rise to a long discussion. He hoped his honorable colleague would not press his motion.

Mr. PATTON said he thought the law ought to be altered; he had no doubt it would be altered; and, believing so, he desired it might be altered at once. He thought that House, if it was competent to elect, was certainly competent to prescribe the mode of election, if they thought proper. For himself, he felt very little concerned how it was to be decided; believing, however, the *viva voce* mode to be the one in which all elections in representative popular bodies ought to be made, he must persist in his motion.

The Clerk (Mr. FRANKLIN) read the rule of the last House of Representatives, prescribing the mode to be by ballot.

Mr. WARDWELL said there was no rule existing that could bind the present House, and the Clerk might as well read out of any other book as that.

Mr. PATTON. The rules of the last House of Representatives were not the rules of the present House; in fact, there were no rules in force until rules were adopted by the existing House.

Mr. WILLIAMS, of North Carolina, said they were now about to adopt a very important change in the usages of the House—a usage that had existed, he believed, without interruption, from the organization of the Government to the present time. What reason could have suggested itself to produce this change, he was utterly unable to perceive. It might be for the same reasons they had heard suggested last session; but as this was a new body, assembled for the first time in this city and in this house, he should not advert to them. Wishing it, however, to be known how his own vote would stand on the question, he hoped they would be indulged with the privilege of the yeas and nays; and he would move the question be so taken.

Mr. BEARDSLEY said that body was not the House of Representatives, nor were they at that moment assembled there as a House. They were nothing more than the elements out of which the House of Representatives was to be composed. Individuals came there, but it was only after taking the oath of office that they became members of that House. It was true, also, that there were no rules to organize that body; for it was as yet an incomplete and imperfect body, unorganized, and without any other rules than custom. Custom alone had sanctioned the practice that the Clerk of the House should, on the first day of the session, at twelve o'clock, call over the names of the members; and custom also had sanctioned the practice of the Clerk calling for the members to vote, and putting the question for Speaker. It was a custom, and nothing more than a custom; and he had no doubt whatever that that body was authorized, under the constitution, to proceed to the choice of a Speaker, either *viva voce*, by resolution, or by ballot. There was no limitation; and it was left to the discretion of that body, incomplete and imperfect as it was, to take its own course. It would, perhaps, be better to proceed according to the established usage of the House. He said that during the last session a motion was made and debated to pass a similar rule in relation to the election of printer and some other officers—he did not recollect whether that of Speaker was included or not. For himself, he preferred the mode of voting *viva voce* upon this question; but he well saw that if the question was then entertained and acted upon, in all human probability, the discussion would be spun out to a late hour of the day, the Clerk of the House presiding, or perhaps spun out for weeks—for all of them knew well that a question of that character could not be decided without long discussion. He hoped, therefore, that the honorable gentleman from Virginia [Mr. PATTON] would withdraw the motion, let the House proceed in its customary mode, and test the principle by proceeding to the choice of clerks *viva voce;* and Mr. B. would most cheerfully vote that they proceed to the choice of clerks either *viva voce* or by resolution, and take the question by yeas and nays.

Mr. PATTON said he did not feel the embarrassment alluded to, and he must persist in his motion.

Mr. WILLIAMS, of North Carolina, denied that the House was without rules; for they had, and were bound by the rules of the constitution.

Mr. WISE would ask by what authority the members of that House had a right at present to vote. Was any man in that assembly qualified? *Non constat:* at present they were all members there. Were they not to exhibit their qualifications before they undertook to exercise the duties of Representatives in Congress? They might as well else submit the question to the gallery as that body.

Mr. VANDERPOEL remarked that it must be well recollected by all the gentlemen with whom he had the honor to be associated in the last Congress, what course he then took upon this question, whether the officers of this House should be chosen *viva voce* or by ballot. He had the honor of submitting at that time some reasons in favor of the plan of the gentleman from Virginia, [Mr. PATTON;] and if they were to come to a vote upon the question now before them, he should vote in favor of it; but it was very doubtful to Mr. V. whether it was expedient at this time to agitate the subject. The House was not yet organized; the debate on the same question last session occupied more than a week, and there were many gentlemen who entertained different views, who would claim the right to submit their views before the question was taken. The subject was an important one, coeval with the existence of the Government; and, though he was decidedly in favor of the change, yet he was in favor of having that change deliberately made, and after the organization of the House; and he should therefore be extremely glad if the honorable mover would withdraw his motion. Besides, he did not know what right they had to take the yeas and nays. If the House went into the question then, it seemed to him that they would have to appoint an extra Speaker, or Moderator, to preside; but he hoped they would not be subjected to the necessity of entertaining the question, and he would again most respectfully repeat the request to the gentleman to withdraw his motion.

Mr. EVANS said, both then and hereafter, he should strenuously contend against the change, whenever it was brought forward. He was unwilling to go into the discussion then; and, without any disrespect to the gentleman from Virginia, he moved to lay the motion to proceed to the election of a Speaker, *viva voce*, on the table.

Mr. PATTON asked for the yeas and nays.

Mr. MERCER had some doubts whether the Clerk could present the question, and whether one fifth had the right to call for the yeas and nays.

Mr. PARKER said it appeared to him the rules were clear; and he would ask by what right it was that the Clerk called that House to order but by the laws previously adopted? By what right did he call them at 12 o'clock? There was no law for 12 o'clock more than

1 o'clock; and yet every gentleman would and must admit that if 121 members met there at 11 o'clock, they would act contrary to law, and contrary to the rules governing that House. There was a set of regulations in usage which, like the common law, were binding, and they were these: that they should meet at 12 o'clock on the first Monday in December; that the Clerk of the last House should call the members, and ascertain if a quorum were present, and that those present should proceed, by ballot, to organize themselves as a body. When they have done that, and not till then, were they competent to make any regulations. On that ground he considered every innovation of the established usage of fifty odd years' standing as inexpedient, and one they had no right to adopt.

Mr. REED concurred with the gentleman from New Jersey. They must proceed to act, to a certain extent, from necessity; and he did not consider the Clerk to be an incompetent officer to manage this debate and control it; but he did hope the motion would be withdrawn. He considered the present mode of voting the true one; the usage of fifty years, from the foundation of the Government, was sufficient, and ought to be their rule of proceeding before the House was organized; and he conceived they were acting a very singular part in their present unorganized state.

Mr. MANN, of New York, said it was not his purpose to enter into the debate, but he would remark that the gentleman from Massachusetts [Mr. REED] seemed to him to be mistaken in supposing that the Clerk of the House stood in his place at the present time by mere custom or by presumption. Now, the rules of the last House were the laws of the present till others were adopted. Mr. M. here read the rule applying to the Clerk, that he should take an oath, and should be deemed to continue in office until another was appointed. That was the law probably of the present body; and the Clerk was in office to all intents and purposes, under that law, until it was repealed. He hoped the gentleman from Virginia would withdraw the motion; but if he saw fit to persist in it, Mr. M. said it would be his indispenable duty, although in favor of the principle, to vote to lay it on the table.

After a few words from Mr. MERCER, in explanation, the call for the yeas and nays was not seconded by one-fifth of the members present; and the motion of Mr. PATTON was laid on the table without a count.

ELECTION OF SPEAKER.

On motion of Mr. BEARDSLEY, the House then proceeded to ballot for a Speaker.

Messrs. JOHNSON of Tennessee, EVERETT of Vermont, and ANTHONY of Pennsylvania, were appointed tellers; and, on counting the ballots, it appeared that 225 had been given, as follows:

For JAMES K. POLK, - - - -	132
JOHN BELL, - - - -	84
Scattering and blanks, - - -	9

The honorable JAMES K. POLK, of Tennessee, having received a majority of all the votes given, was declared duly elected Speaker of the 24th Congress; and, being conducted to the chair by Messrs. JOHNSON of Kentucky and JARVIS of Maine, returned his thanks for the honor conferred, in the following address:

Gentlemen of the House of Representatives:

In accepting the high station to which I am called by the voice of the assembled representatives of the people, I am deeply impressed with the high distinction which is always conferred upon the presiding officer of this House, and with the weight of the responsibility which devolves upon him. Without experience in this place, called to preside over the deliberations of this House, I feel that I ought to invoke, in advance, the indulgent forbearance of its members, for any errors of judgment which may occur in the discharge of the severe duties which will devolve upon me. It shall be my pleasure to endeavor to administer the laws which may be adopted for the government of the House justly and impartially towards its members, and with a view to the preservation of that order which is indispensable to our character as a body, and to the promotion of the public interests. To preserve the dignity of this body, and its high character before the country, so far as shall depend upon its presiding officer, will be objects of my deepest solicitude; and I am sure I shall have the co-operation and support of all its members, in the discharge of my duty, with a view to these objects.

I return to you, gentlemen, my sincere acknowledgments for this manifestation of your confidence, in electing me to this high station; and my ardent hope is, that our labors here may merit and receive the approbation of our constituents, and result in the advancement of the public good.

Mr. WILLIAMS, of North Carolina, (the oldest member in the House,) administered the usual oath to the Speaker, when the latter qualified the members by States, as also the territorial delegates from Arkansas, Florida, and Michigan.

Mr. BEARDSLEY submitted a resolution appointing Mr. WALTER S. FRANKLIN Clerk of the House; which was agreed to, and Mr. FRANKLIN was qualified by the Speaker.

A message was received from the Senate, announcing that that body, having assembled and formed a quorum, were ready to proceed with legislative business; and that a committee had been appointed on the part of the Senate, to meet such committee as might be appointed on the part of the House, to wait on the President of the United States, and inform him that Congress, having assembled, are ready to receive any communication which he may choose to make.

ELECTION OF PRINTER.

Mr. COFFEE submitted a resolution, in substance, that the House proceed to the election of a printer for the 24th Congress; which was agreed to.

Mr. JOHNSON, of Kentucky, nominated Messrs. BLAIR & RIVES;

Mr. WILLIAMS, of North Carolina, nominated Messrs. GALES & SEATON; and

Mr. PEYTON, of Tennessee, nominated Messrs. BRADFORD & LEARNED.

Mr. PATTON remarked, that the House having indicated an indisposition to adopt the principle of voting *viva voce*, he would not press that question at this time.

The officers of the House having been directed to collect the ballots,

Mr. WHITTLESEY remarked that this resolution, he apprehended, was premature. We were about to supply an omission of a preceding Congress; and he doubted whether there was any law in existence which would authorize the present proceeding.

The SPEAKER stated that the election could only be overruled by a reconsideration of the vote adopting the resolution.

Mr. WHITTLESEY moved to reconsider the vote on the resolution.

Mr. ADAMS, of Massachusetts, said that there was a question which it would be well to consider, before this matter was decided. He considered it incumbent upon the individual who should be chosen printer, previously to enter into bond. He did not believe that he could be required to enter into bond subsequently to his election.

Mr. ROBERTSON was in favor of the motion to reconsider. He doubted the propriety of electing a printer at all. He believed this was the opinion of a number of the members of the last Congress. He preferred that the printing should be done by contract, instead of electing a political partisan. It was certainly not magnanimous or generous in a majority here to impose upon the minority a partisan printer, who would vilify and abuse that minority.

Mr. BEARDSLEY adverted to the propriety and necessity of an immediate election of printer. He would like to know by what rule the gentleman from Virginia [Mr. Robertson] anticipated that a majority of this House would appoint a printer who would vilify the minority for the due discharge of their duties here. Upon what grounds does the gentleman found any such belief? Gentlemen were not so sensitive on former occasions. It had been the practice of the preceding Congresses to choose the printer for their successors. The last House was not kind enough to perform this duty for us, and it now became the province of this House to make its own selection.

Mr. WHITTLESEY explained that he only desired that the House should not elect a printer without adopting the proper guards.

Mr. ROBERTSON, after a few remarks, presented a resolution, in the form of an agreement, providing that the public printing should be performed by contract.

Mr. WHITTLESEY waiving his motion for the present,

Mr. MANN, of New York, by consent of the House, moved the adoption of the rules of the last House.

Mr. JOHN QUINCY ADAMS wished to propose an additional rule, providing that the Committee of Ways and Means should report the general annual appropriation bill within thirty days of the meeting of each session of Congress.

Mr. MANN then modified his motion so as to except the fifty-seventh rule.

Mr. REYNOLDS remarked that he did not wish to delay the business and elections of this House; but thought it was inconsistent for him to support the system of balloting for officers, as he had urged, at the last session of Congress, the mode of voting by *viva voce* for all officers. He continued to entertain the same principle and opinions, and accordingly felt conscientiously bound, not only not to vote for the balloting mode, but to urge the other.

Mr. R., after some remarks, modified his proposition so as to exclude the said objectionable rules; to which Mr. MANN consented, but afterwards withdrew the whole resolution.

The question, on motion of Mr. WHITTLESEY, to reconsider the resolution to elect a printer of the House then came up.

Mr. MERCER moved an adjournment; and

Mr. GILLET called for the yeas and nays; whereupon,

Mr. MERCER withdrew the motion.

The subject was further debated by Messrs. HORACE EVERETT, WARD, EVANS, ROBERTSON, BEARDSLEY, and WHITTLESEY.

Mr. BEARDSLEY offered a resolution providing that the printer should give bond and security for the performance of his duties, as laid down in the joint resolutions of March, 1819, and February, 1829, which, by unanimous consent, was adopted as a modification of Mr. Coffee's resolution.

Mr. WHITTLESEY withdrew the motion to reconsider.

Mr. ROBERTSON renewed it; and, upon being put, it was lost without a count.

The House then proceeded to ballot for the election of a printer; and Mr. Johnson of Kentucky, Mr. Williams of North Carolina, and Mr. Peyton of Tennessee, being appointed tellers, the result was announced as follows:

Whole number of votes 223; necessary to a choice 112.

For Messrs. Blair & Rives,	- - -	133
" Gales & Seaton,	- - -	59
" Bradford & Learned,	- -	26
Scattering,	- - - - -	7

Whereupon Messrs. Blair & Rives were declared duly elected printers to the twenty-fourth Congress.

The House proceeded to consider the message from the Senate, which was agreed to; and Messrs. Thomson of Ohio, Mason of Virginia, and Reed of Massachusetts, were appointed a committee, on the part of the House, to wait upon the President.

On motion of Mr. CONNOR, a resolution was adopted, directing that a message be sent to the Senate, informing that body that the House had assembled, elected a Speaker, and were ready to proceed to business.

On motion of Mr. WARD, of New York, it was ordered, that, when the House adjourn, it will adjourn to meet again on to-morrow, at twelve o'clock, and at the same hour each succeeding day.

Mr. MERCER offered a resolution, providing for the appointment of a chaplain by the House, at twelve o'clock, M., to-morrow.

Mr. REYNOLDS, of Illinois, moved to amend the resolution by providing that, in future, in the election of officers of the House, it shall be by *viva voce*.

Mr. VINTON moved an adjournment; which was agreed to.

The House then adjourned.

TUESDAY, DECEMBER 8.

Messrs. Jackson of Massachusetts, Galbraith of Pennsylvania, and Tunrer of Maryland, appeared, and were qualified.

Mr. THOMSON, of Ohio, from the joint committee appointed to wait on the President of the United States, and inform him that the two Houses of Congress, having assembled and formed quorums, were ready to receive any communication which he might desire to make, reported that the committee had performed the duty assigned, and were informed that the President would communicate to each House, at twelve o'clock this day, a message in writing.

On motion of Mr. WARDWELL, the usual order for supplying the members with newspapers was adopted.

PRESIDENT'S MESSAGE.

A message was received from the President of the United States, by Mr. Donelson, his private secretary; which was read.

[The message will be found in the appendix.]

Mr. BEARDSLEY submitted a resolution, committing the message to a Committee of the Whole on the state of the Union; and that 10,000 copies, together with the accompanying documents, be printed for the use of the members of the House; which was agreed to.

ANNUAL TREASURY REPORT.

The SPEAKER laid before the House the annual report of the Secretary of the Treasury on the state of the finances. [See appendix.]

Mr. CAMBRELENG moved that it be laid on the table, and that 10,000 copies be printed.

Mr. CONNOR suggested 15,000 copies.

Mr. CAMBRELENG accepted the suggestion as a modification of his motion. It was then agreed to.

Several other communications from the Secretary of the Treasury were laid before the House, and ordered to lie on the table.

Mr. WISE moved to reconsider the vote directing the printing of 15,000 copies of the President's message. That, he believed, was the usual number. His object was to increase the quantity.

Mr. HARPER, of Pennsylvania, thought an increased number unnecessary. The message would be published in almost every newspaper in the country.

Mr. WISE remarked that the message was one of unusual interest, and, if the motion to reconsider prevailed, he should move to print 20,000.

The motion was agreed to.

Mr. WISE then moved to amend the resolution, by directing that 15,000 copies of the message and documents, and 5,000 copies of the message without the documents, be printed.

Mr. BEARDSLEY accepted the amendment as a modification of his motion.

The resolution, as modified, was then agreed to.

DEATH OF MR. SMITH.

A message was received from the Senate, announcing the death of the honorable NATHAN SMITH, a member of that body from the State of Connecticut, and that his funeral would take place at twelve o'clock to-morrow.

Mr. TOUCEY, of Connecticut, submitted a resolution that the members of the House would attend the funeral of Mr. SMITH, and would wear the usual badge of mourning for the space of thirty days; which was agreed to.

On motion of Mr. JUDSON, of Connecticut,

The House then adjourned.

WEDNESDAY, DECEMBER 9.

After the reading of the journal of yesterday,

On motion of Mr. BRIGGS,

The House adjourned.

The House, in conformity with previous arrangements, then proceeded to the Senate chamber, and joined in the funeral solemnities assigned for this day, in honor of the memory of Senator SMITH.

THURSDAY, DECEMBER 10.

RULES AND ORDERS OF THE HOUSE.

The resolution offered by Mr. MANN, of New York, on Monday, for the adoption of the rules and orders of the last House, for the government of the present House, having been taken up for consideration,

Mr. GILLET moved to amend the same by embracing in the list of standing committees, "a Committee on the Militia;" which was agreed to: Yeas 98.

Mr. J. Q. ADAMS offered the following, as an amendment to the rules: that it shall be the duty of the Committee of Ways and Means, within thirty days after the commencement of each session of Congress, to report the general appropriation bill, or give their reasons to the House for failing so to do.

Mr. A. said that the propriety of this rule would strike so forcibly the mind of every one who, like himself, had the honor heretofore of a seat here, that it was not necessary for him to spend much time in supporting it. Its object was to hasten the progress of the annual appropriation bills. No member had been here for any length of time, who was not aware that some measure was necessary to answer this object. Sir, said Mr. A., it has been the practice heretofore to postpone the report to a late day of the session. It had been the practice to introduce into the appropriation bills new objects of legislation, on which account, however, he did not intend to impute any blame to any person or committee. In those bills had been introduced expenditures of money, and drafts on the people, which had been a subject of contention and dissension in the House. That of itself was an evil of magnitude. Another consequence of it was, that the appropriation bills dragged their slow length along through half of a year before they finally passed. He held in his hand proof of this assertion. At the first session of the last Congress, he had the honor to offer this rule, which he now again proposed, and he intended it as the first of a series of resolutions on the subject. He offered it, he said, on the 10th of February, and two months elapsed before he could prevail upon the House to consider it. When it was taken up, other business occupied the attention of the House.

Last session, its consideration was prevented by want of time, and the great pressure of other business. At the first session of the twenty-third Congress, on the 11th of February, the day after he offered his resolution, an act of appropriation, in part, was passed. It was an act making appropriations, to the amount of five or six hundred thousand dollars, for the pay and mileage of members of this House, of the Clerk and officers of the House, for the pay and mileage of the Senators, the contingent expenses of both Houses, &c. Not a cent was appropriated for any other service, except that of members of Congress. On the 27th of June, three days before the close of the session, the general appropriation bill was passed. What, in the mean time, asked Mr. A., was the condition of the President of the nation, before other nations of the earth? what was the condition of the heads of Department, his assistants? what was the situation of the Judges of the land; of the army and navy; of every officer of every department of the public service? What, indeed, was the condition of every individual citizen, whether rich or poor, well-fed or starving, who had demands on the public? All were obliged to live on credit, or starve. We were, he thought, obliged to provide for others as well as for ourselves. What reason was there for the extraordinary delay and procrastination in this act. It was because new clauses were introduced into the bill, occasioning long debates in the Senate, as well as in the House. He would now pass to the last session. The general appropriation bill was then passed with great difficulty. In consequence of its long procrastination, it became questionable, in the last hour of the session, whether we had made any appropriations or not. But he would say no more on that subject. If the House would adopt the resolution which he proposed, and which was merely in the nature of an experiment, to which no one could have any objection, the bills would be stripped of every thing but the appropriations; and if any new objects presented themselves, they would be put in separate bills, not hazarding what was indispensable and of immediate necessity for compliance with existing laws.

Mr. A. had, he said, fixed the limit at thirty days; but, for his own part, he saw no reason why the committee could not report within ten days after the commencement of the session. The committee had nothing to do but to examine and see what was authorized by law; and having done that, there was no reason why they could not report within ten days. The bill could be passed in fifteen days afterwards. It would then go to the Senate, and there it would receive the same attention and despatch. In fact, he saw no reason why all the appropriation bills could not be presented to the President before the first day of January. They ought to be passed before the first of the year. The demands then become due, and there was no possible reason or excuse for not then paying off at least one half of the

debts of the Government. Every new-year's day would thus find the Treasury ready to pay off the demands upon it. He would not further trespass upon the time of the House in pressing this motion.

Mr. CAMBRELENG would like, he said, to hear the amendment read. It having been read,

Mr. C. said he concurred entirely in the views of the gentleman from Massachusetts, as to the evils he complained of; and, probably, they were more manifest last session than at any former period; but Mr. C. dissented entirely to the position taken by the gentleman, that it ever had been, at least in his experience, short as it had been in the Committee of Ways and Means, and long as it had been in the House, that it was justly ascribable to that committee. Mr. C. would appeal to every old member of that House, whether it had not been uniformly the practice for the chairman of that committee to appeal and urge upon the House the necessity of taking up the appropriation bills; and whether the uniform habits of the House had not been to postpone and postpone them again, from day to day, in defiance of all entreaties. If the gentleman wishes to reach the evil he complained of, he should make his appeal to the House. He should prescribe the law by which that House should be bound to take the bills up and proceed with them. The honorable gentleman prescribed duties to the Committee of Ways and Means; but the gentleman must be aware, his knowledge and experience must satisfy him, that every item in the appropriation bills, relating to the army and navy, was a matter of constant communication between the committee and the Department. How could he expect the committee to adopt a mere estimate, without reason? Every item must undergo full investigation before any one member of the committee would consent to its insertion. A most laborious duty had to be performed before the bill came into the House.

Mr. C. said he did not rise for the purpose of objecting to the amendment of the gentleman from Massachusetts, because it had a modification that the committee could give their reasons for not having reported the bills, and therefore the proposition was not very operative upon the committee, because, if they were ready to report they would report, and if not, they could obtain further time. Still, Mr. C. would say he thought the time too short. With regard to the measure before the House at the last session, he regretted as much as any gentleman that the Senate were in the habit of putting upon the appropriation bills others that had nothing to do with them. He alluded to the United States Military Academy bill. Was it because the committee had not reported the bill early enough to be acted on? Was it the fault of the gentleman who had charge of the bill that it was not called up? Did not every gentleman, then a member of the House, know that more than a dozen attempts were made to get the bill up, and every attempt failed, till, in the last emergency, the Senate were under the necessity of attaching it to the appropriation bill for the general expenses of the Government? Mr. C. rose not for the purpose, he said, of opposing the principle of the gentleman from Massachusetts, but merely to show that the House itself was the origin of all the evils of which the gentleman complained; but he did not think the proposition one calculated to promote or facilitate business. He knew of no committee last session that did not report in time, except one; and he did not think the gentleman from Massachusetts, having secured, as they did, by their united counsel, a unanimous vote upon the French question, would find fault with the Committee on Foreign Relations in not having been premature. He did not think the fault was with a committee, for every committee would do its duty; and if they did not act, the House had power to compel them.

Mr. C. concurred with the gentleman in another point, and that was, that it had been the practice of the House, in some cases, to insert provisions of the kind he complained of. He believed, however, the gentleman would do him the justice to say that he (Mr. C.) had uniformly acted with him in opposing such clauses—in other words, new appropriations. He had done it heretofore, and should do it again; and would at all times unite with that gentleman in opposing every thing of the kind, from that or any other committee. Still, the committee was not so much to blame as the House itself; and the House, he was sure, would pardon him, for he spoke of what it was perfectly sensible. There were some gentlemen who had uniformly resisted every thing in an appropriation bill not already authorized by law; and he would again pledge himself to unite with them on all occasions.

Mr. C. concluded by requesting Mr. Adams to amend his resolution so as to extend the time to six weeks instead of thirty days.

Mr. VANDERPOEL was, he said, totally opposed to the amendment of the gentleman from Massachusetts, because it involved a principle which he well knew was not intended by the honorable mover—that of discourtesy to the Committee of Ways and Means, whoever they might be. Mr. V. would ask the House whether it was right and courteous to apply the spur exclusively to that committee? And was not the amendment of the gentleman founded upon the apprehension that, peradventure, that committee would not do its duty? Now, in all charity to every committee of that House, he was willing to presume—nay, he was bound to presume—that every committee appointed by the Chair would feel the high responsibilities and obligations imposed upon them, and feel resolved to do their duty, and do it promptly. Why was it necessary to call upon this committee alone? Ah! says the gentleman, we have suffered a great deal of inconvenience heretofore. My answer to that is, said Mr. V., that this committee will profit from the lessons of past experience. If we suffered inconvenience from procrastination last year, and the year before, I have no doubt the Committee of Ways and Means will feel stimulated from that circumstance; and it is surely unnecessary, at this stage, to issue our mandate that they shall report within thirty days. Mr. V. agreed with the honorable gentleman from Massachusetts, that they did suffer some inconvenience last year from procrastination, but he did not attach all the blame to the Committee of Ways and Means. If fault was any where, it was as much in the House, and perhaps more, than in the committee. He well recollected that the chairman of that committee would come in there, day after day, and entreat and implore the House to take up the appropriation bills; and he well recollected, also, that those appeals were made in vain. Mr. V. should vote against the amendment.

Mr. ADAMS had, he said, been very unfortunate in explaining his views, if he had given the gentlemen from New York any reason to suppose that he wished or intended to censure the Committee of Ways and Means, or any member of that committee. Sir, said he, I disclaim any imputation upon that committee. I spoke of evils which existed, evils which were felt and acknowledged, and from which it was my object to obtain a remedy. The gentleman particularly who last spoke seemed to suppose that I intended to cast censure on the Committee of Ways and Means; I meant no sort of censure on that or any other committee of the House. I stated the fact that the general appropriation bill did not pass at the last session until within three hours of the expiration of the Congress. I throw no blame, on this account, on any committee of this House. Far from it. But whether that bill had passed was a subject

of dispute, and it was in imminent danger of being lost. It was finally saved by the House agreeing to the proposition of the Senate.

Of this he had spoken only as an illustration of the necessity of passing the bill at an earlier day. It was not his object to trammel the committee, and, on the contrary, he wished to give it full latitude and liberty. If they were not ready at the end of the thirty days, they would say so to the House, and have the time extended. He called on the Committee of Ways and Means to put the House in possession of the bills. We must have them before we can act upon them at all. He supposed that thirty days would be a sufficient time for the committee to retain them under consideration. His proposition left the committee just as independent as any other committee. It imposed upon them no extraordinary duty, and he would venture to say that they would always be ready to report within the time proposed, should the resolution be passed. Should this motion be agreed to, he would propose another rule, assigning certain days for the House to take up and consider the appropriation bills. His object, in expediting the action of the committee, was to hasten the action of the House. He hoped it would not be believed by the gentleman from New York that it was his object or desire to impute any censure to the Committee of Ways and Means or any other committee that ever existed. Abuses often crept in, one lapping over another, without the possibility of correction. When they were felt, and severely felt, then it was time to apply a remedy. He knew no other committee whose action it was necessary to accelerate at all, and his only object, in relation to this, was to hasten the action of the House.

Mr. MERCER said he concurred less in the argument than in the proposition of the gentleman from Massachusetts. His argument went to a restriction of the time within which money bills should be debated in this House; and against this doctrine he must, with all possible respect, protest. The appropriation bills were the only subjects on which the general interests of the country could be debated; and it had been the practice of the Government, from its foundation, to consider them in this light, especially since the time when it was customary to discuss such subjects in an answer to the President's message. The only occasion now afforded for such general discussion was the appropriation bills, and he was unwilling to have it go abroad that it was the wish of this House to restrict that discussion. It was well known that the appropriation bills were sent to this House by the Committee of Ways and Means, and to them by the Departments, and they were generally hurried through the House, or passed without due consideration. Taking them up was generally the signal for the dispersion of the members, and any man was scouted at who presumed to raise his voice against any one item in the bills. For himself, he was unwilling to bear any blame for the delay of the appropriations in former years. Between 11 and 12 o'clock on the last night of last session, we were in danger of losing the whole appropriation bill, and the bill making appropriations for fortifications was passed only ten minutes before the hand was on the figure denoting the hour at which the session expired.

Mr. H. EVERETT rose to move an amendment to the amendment. Before offering it, he would remark that the blame of delay did not rest on the committee only, but also on the House. He desired that the House should do their part of the duty as well as the committee; and he therefore moved, as an addition to the amendment, the following: "And the general appropriation bills shall be in order in preference to any bills of a public nature."

Mr. ADAMS accepted the amendment, as a modification. It was his intention to accelerate the action of the House, and therefore he was perfectly willing to accept it. While up, he would reply to some of the remarks of the gentleman from Virginia. The gentleman thought that the House would be compelled to pass the bills as soon as they were reported; but the gentleman knew, surely, that the House was their own master, and that it was not in the power of any one to restrain them. No one was more willing than he was to have every appropriation bill discussed, even till the end of the session, before it should end in an unnecessary charge on the people. But, sir, the gentleman has a different idea of an appropriation bill from mine. In my view (said Mr. A.) an appropriation bill ought to be nothing more than a draft on the Treasury for a debt due by law; and then the only question in regard to it is, whether it is authorized by law, and whether we shall pay our just debts.

Mr. LEWIS WILLIAMS said it was the object of the gentleman from Massachusetts to prevent the introduction into the appropriation bills of any matter not authorized by law; but his proposition was, in his opinion, inadequate to this end. If it simply provided that the committee should report no other appropriations than those authorized by law, that would be a remedy for the evil complained of by the gentleman. But, if it was merely required of the committee to report the bill within thirty days, they might, though it was to be presumed they would not, introduce into the bill a hundred new appropriations. The remedy, he thought, was inadequate for the evil. He had seen that the more rules were multiplied, the more complex they became, and the more difficult it was to get along with the business of the House. It might happen very often that, though the appropriation bills were important, other bills were also equally or more important; and he had noticed, that the more we limited our discretion the more difficulty we had to encounter. He had no doubt that the amendment would retard instead of accelerate the business of the House.

Mr. SUTHERLAND said the only material point was whether the House should be made to act after the bill was reported. He did not consider the motion, in any other view, as at all material. He wished the appropriation bills to have a preference here. They ought to have, and the last provision of the amendment therefore met his entire concurrence. But he did not consider it important whether the bills came in thirty days or not from the committee; all knew where the reports of bills came from. The committee take the reports of the heads of Departments, and we take theirs. Every body knew that, in a great measure, we must rely upon the capacity, integrity, and honor, of those who are at the head of the Departments and prepared the estimates. He knew how troublesome was the duty of a chairman of a committee, who was obliged to make himself master of all the details of these bills, and be prepared to reply to any objections which might be made to them. A former colleague of his had aptly compared himself, when in that situation, to "the man in the Almanac, stuck all over with sticks." Every individual who spoke pointed always towards the chairman. It would be time, he thought, to pass on this motion after the new man who was to preside over this committee had been appointed. The Ajax, who was to sustain the administration, must be allowed some time to consult the Departments and prepare himself for his task. Last year there was a long debate here, on a blacksmith's pay, between the gentleman from North Carolina and the chairman of the Committee of Ways and Means; and on every item the chairman must be prepared to give full and satisfactory information. But (said Mr. S.) if the further time should not be given for this purpose, I go for the last provi-

sion. Bring up the bills, and then let us hear the argument on them. Let them have the preference for the purpose of argument. Last year many important bills failed for want of time. He wished the appropriation bills to be first discussed, first acted on, first passed or lost.

Mr. WILLIAMS rose to move the reference of the whole subject to a select committee, believing that to be the usual course. He submitted the following motion: That the rules and orders of the House be referred to a select committee, to see if any alteration in them be necessary.

Mr. MERCER suggested an alteration so as to secure the benefit of the rules of the last House until the committee were ready to report. The rules were once referred and no report was made on them at all. While up, he would express his surprise that no one had made any objection to the amendment offered by the gentleman from Vermont. Mr. M. made some further remarks, which did not reach the ear of the reporter.

Mr. PARKER said the proper way was to appoint a committee to adopt rules, and, in the mean time, to act on the rules of last year. There must be some rules to go by, or the Speaker could not be directed to appoint the standing committees.

Mr. WILLIAMS modified his proposition, so as to provide that, "until the committee made their report, and it was definitively acted on by the House, the rules and orders of the last House should be the rules and orders of this House."

Mr. ADAMS said that the effect of this motion was, by a side wind, to destroy his object entirely. He thought himself entitled to a decision of the House on his proposition. Sending his proposition to the committee was to involve it in a boundless ocean of discussion, from which it would never emerge. Many projects of alteration would be offered, and the whole session would pass before any thing was done. He wanted the decision on his motion to amend, and he would move it as an amendment to the motion of the gentleman from North Carolina.

The CHAIR suggested that the gentleman from Massachusetts might better attain his object by moving his amendment in the shape of instructions to the committee.

Mr. ADAMS said, as his only object was to get the decision of the House, he would move the proposition as instructions to the committee.

Mr. WILLIAMS remarked that he was sorry the gentleman from Massachusetts should suppose that he wished to evade any decision. He had never attempted to elude any decision which was urged by any gentleman, much less by the gentleman from Massachusetts. He wished to get rid of this discussion, which promised to be long and unprofitable. But he would withdraw the proposition in order to enable the House to decide on the question, giving notice that afterwards he should renew it.

Mr. WISE said he should vote for the proposition of the gentleman from Massachusetts. It was not the business of the committee to make reports of their own acts and doings; it was not their business to take up any original matter. It was their duty, as the agents of us, the Commons—the Commons, coming fresh from the people—to ask of those who have the disbursement of the public money, (he would say nothing about its custody at present,) what they proposed to do with it. This he wished to know immediately, *in presenti*. If the gentleman brings in a proposition to limit the discussion to any particular length of time, he should most distinctly oppose it. The high obligations of this House to the people were paramount to any other; but they were often forgotten, left behind, trampled on, while the House acted only in a secondary relation to the President. In relation to the President we too often acted, not feeling, as Commons, a just sense of our obligations to the people.

I do not (said Mr. W.) excuse myself for the delay of the appropriation bills. I will hold the King here by the purse strings of the nation. I will hold him by his salary. I will hold all the Departments by the purse strings. The House should never forget its relation to the people, in subserviency to the King. What was said by my colleague from Virginia was true. The members are neglectful of the duty which they owe the people in relation to the appropriation bills. They read the current news, pay a visit, or look into the Senate chamber, the moment that those bills are taken up for consideration, instead of exercising a rigid and watchful scrutiny over them. At the last session we voted away thirty-three thousand dollars for making a pavement around the President's house for English coaches to grind, and in planting trees, shrubbery, &c. He held the documents in his hand. This appropriation for the President's house ought to have been scrutinized by those who held the money of the people.

In conclusion, (Mr. W. said,) if God spared his life, and the people kept him in his place here, he would hold on to the appropriation bills to the last minute. He would put himself on the watch over the public money. The relation of this House, as the Commons, as the representatives of the people, was of a character paramount to the relation of mere partisans.

Mr. MANN, of New York, felt constrained, he said, to renew the motion for the reference of this subject to a select committee, which motion had been made and withdrawn by the gentleman from North Carolina; not that he wished to deprive the gentleman from Massachusetts of the opportunity to get a decision on his proposition, but that he wished to bring the discussion to a close. It was true that there was some inconvenience arising from the delay of committees, but he knew something of the inconvenience to which committees were subjected. It was not practicable for them to sit on the subjects before them within the time prescribed in the motion. The labor of preparing the report of the Committee of Ways and Means was very great; and he presumed that even the gentleman from Massachusetts would be unwilling to undertake to perform it in thirty days. The delay of the bills was not owing to the committee so much as to the House. They were delayed in their progress here till we were admonished that the public service was in danger from the want of that action. Under these impressions, though he believed that if the proposition of the gentleman from Massachusetts could be carried into effect, it would be productive of much benefit, he should be obliged to vote against it. He understood there would be various propositions to amend the rules, which would probably give rise to discussions lasting several days, while, in the mean time, we should be exposed to inconvenience for the want of rules. He moved the reference of the subject to a select committee.

Mr. ADAMS moved his proposition as instructions to the committee.

Mr. MERCER moved to amend the instructions by putting them in the form of an inquiry into the expediency of the proposed rule; which was lost, 69 rising in the affirmative, noes not counted.

The question recurring on Mr. ADAMS's motion,

Mr. VINTON called for a division of the question. The rule proposed required, he said, first, that the committee should report within thirty days, and then it made the appropriation bill the standing order for the day, in preference to all other business. It would come up as a matter of course, the Speaker having no discretion in relation to it.

Those who have objections to any items of the bill would be allowed no time to make inquiries respecting them. It would not be in order to call up any other

question, of whatever magnitude it might be. This, he said, would embarrass and trammel the House to no purpose; for, after all, every gentleman was satisfied of one thing, that when the majority was disposed to get at a question, they would, in some way, get at it. We cannot take the Government out of the hands of the majority and put it into that of the minority.

Mr. H. EVERETT moved, as an amendment to the instructions, that no appropriation should be reported or be in order as an amendment to a bill for any expenditure not before authorized by law.

Mr. ADAMS said, in reply to the gentleman from Ohio, [Mr. VINTON,] that the rule would show the sense of the House that those bills, *de jure*, had the preference over others; but it would not prevent the House from taking up any other bill. The proposition of the gentleman from Vermont [Mr. EVERETT] would, he said, complicate his object extremely; his object being simply to hasten the report from the committee.

Mr. EVERETT withdrew his motion.

The question was then taken on the first branch of Mr. ADAMS's motion to instruct, and it was determined in the affirmative, 91 to 76.

Mr. ADAMS then modified the second branch, so as to provide that "the appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House."

The question being taken, this motion was also agreed to.

Mr. THOMAS, of Maryland, moved to include in the instructions an alteration of the rule for the admission of persons to the privileged seats, so as to include in the list of persons to be admitted the district attorneys, including the district attorney of the District of Columbia.

This motion was supported by Messrs. THOMAS and BEARDSLEY; and, the question being taken upon it, it was lost.

Mr. CHAMBERS, of Pennsylvania, moved the following: "That the committee be instructed to consider the expediency of amending the 25th rule, by making all amendments in order pending the main question." The object of the amendment was to bear on the previous question.

After a few remarks by the mover, the motion was agreed to.

Mr. PARKER moved a further instruction to the select committee, that, during the session of the House, the members shall remain uncovered, unless specially permitted by the Speaker.

Messrs. PARKER and BRIGGS briefly advocated this motion, and it was opposed by Mr. SUTHERLAND.

Mr. PARKS moved to amend the amendment by instructing the committee to consider all propositions relative to the rules which might be handed them by any member. Mr. P. was induced to make the motion, to avoid any unnecessary consumption of time in discussing the various instructions which gentlemen were desirous of offering.

After a few additional remarks by Mr. PARKER, in favor of his motion, the amendment to the amendment was agreed to.

The resolution, as amended, was then agreed to, and the select committee was ordered to consist of nine.

On motion of Mr. WHITTLESEY,

Ordered, That the standing committees of the House be now appointed.

Mr. WILLIAMS, of North Carolina, submitted a resolution granting the use of the hall of Representatives, on Tuesday evening next, to the American Colonization Society; which was agreed to: Yeas 104, nays not counted.

Mr. JOHNSON, of Kentucky, submitted a resolution for furnishing documents, bills, &c., to certain departments and officers of the Government therein named; the consideration of which, at the instance of Mr. MANN, of New York, was waived for the present.

Several messages from the President of the United States were received by the hands of Mr. DONELSON, his private secretary; which were laid before the House by the Speaker, and consisted of—

1st. A communication, enclosing a report from the Secretary of the Treasury relative to certain transfers of appropriation; which, on motion of Mr. CAMRELENG, was ordered to be printed.

2d. A message, enclosing a report of the Secretary of War of certain astronomical observations made with a view to the ascertainment of the northern boundary line of the State of Ohio; which, on motion of Mr. JOHN Q. ADAMS, was referred to a select committee of nine, and ordered to be printed.

3d. A message, transmitting a copy of the constitution (and various documents in reference thereto) adopted by a convention recently assembled in the Territory of Michigan, with a view to the formation of a new State out of said Territory.

Mr. J. Y. MASON, of Virginia, moved to refer the latter communication to a select committee, and that it be printed.

Mr. HAMER moved to refer the message to the same select committee to which the communication in reference to the northern boundary of the State of Ohio had been committed.

Mr. MASON remarked that, personally, he was indifferent as to the committee to which this subject was referred. There was some delicacy involved in the two communications, which perhaps might be obviated by sending them to different committees. He should cheerfully acquiesce in the decision of the House upon the subject of reference.

Mr. HOWARD moved to amend the propositions, by referring the latter message and the accompanying documents to the standing Committee on Territories. He should follow up this motion, if it succeeded, by moving to reconsider the vote whereby the communication in reference to the northern boundary of Ohio had just been referred to a select committee, with a view to its reference to the Committee on Territories. He conceived there was no propriety in sending to select committees matters which appropriately belonged to the standing committees of the House.

Before any question was taken, the House, on motion, adjourned to Monday next.

MONDAY, DECEMBER 14.

Messrs. GRAVES, of Kentucky, and GARLAND, of Louisiana, appeared, were qualified, and took their seats.

After the reading of the journal of the proceedings of Thursday,

Mr. HOWARD moved the reconsideration of the vote by which the message from the President relative to the Ohio and Michigan boundary line was ordered to be referred to a select committee; and, on his motion, the further consideration was postponed until to-morrow.

DEATH OF MR. WILDMAN.

Mr. HALEY, of Connecticut, announced the death of his colleague, the Hon. ZALMON WILDMAN, a Representative in Congress from the State of Connecticut; and, after a few remarks in eulogy of the deceased, submitted a motion for the usual demonstrations of respect for his memory; which was unanimously adopted.

DEATH OF MR. KANE.

A message was received from the Senate, announcing the death of the Hon. ELIAS K. KANE, Senator from the State of Illinois, and informing the House that the fune-

ral will take place in the Senate chamber at half past 12 o'clock. Whereupon,

Mr. CASEY, of Illinois, moved the following resolution, which was adopted:

Resolved, unanimously, That, in testimony of respect for the memory of the Hon. Elias K. Kane, late a Senator in Congress from the State of Illinois, the members of this House wear crape on the left arm for thirty days.

On motion of Mr. REYNOLDS, of Illinois, the House then adjourned for the purpose of attending the funeral.

STANDING COMMITTEES.

The standing committees of the House were announced as follows, in pursuance of the order of Thursday last:

On Elections.—Messrs. Claiborne, Griffin, Hawkins, Hard, Burns, Kilgore, Buchanan, Maury, and Boyd.

Of Ways and Means.—Messrs. Cambreleng, McKim, Loyall, Corwin, Johnson of Tennessee, Smith of Maine, Lawrence of Massachusetts, Ingersoll, and Owens.

Of Claims.—Messrs. Whittlesey, Forester, Banks, Bynum, Grennell, Davis, Taliaferro, P. C. Fuller, and Chambers of Kentucky.

On Commerce.—Messrs. Sutherland, Pinckney, Pearce of Rhode Island, Gillet, Phillips, Johnson of Louisiana, Ingham of Connecticut, Cushman, and McKeon.

On the Public Lands.—Messrs. Boon, Slade, Williams of North Carolina, Lincoln, Casey, Kennon, Dunlap, Chapman, and Harrison of Missouri.

On the Post Office and Post Roads.—Connor, Briggs, Laporte, Hall of Vermont, Mann of New York, Cleveland, French, Shields, and Hopkins.

For the District of Columbia.—Messrs. W. B. Shepard, Hiester, Vanderpoel, Bouldin, Washington, Lane, Rogers, Fairfield, and Towns.

On the Judiciary.—Messrs. Beardsley, Thomas, Hardin, Pierce of New Hampshire, Robertson, Peyton, Toucey, Jones of Virginia, and Martin.

On Revolutionary Claims.—Messrs. Muhlenberg, Crane, Standefer, Turrill, Kinnard, Beaumont, Craig, Chapin, and Underwood.

On Public Expenditures.—Messrs. Page, Clark of Pennsylvania, McLene, Mason of Maine, Deberry, Leonard, Haley, White, and Weeks.

On Private Land Claims.—Messrs. Carr, Galbraith, Patterson, Chambers of Pennsylvania, May, Garland of Virginia, Hammond, Huntsman, and Lawler.

On Manufactures.—Messrs. J. Q. Adams, Denny, Dickerson, McComas, Webster, Gideon Lee, Judson, Holsey, and Granger.

On Agriculture.—Messrs. Bockee, Bean, Roane, Shinn, Deberry, Bailey, Logan, Phelps, and Efner.

On Indian Affairs.—Messrs. Bell, McCarty, Everett, Graham, Ashley, Haynes, Lyon, Hawes, and Chaney.

On Military Affairs.—Messrs. Johnson of Kentucky, Speight, Ward, Thomson of Ohio, Coffee, Bunch, McKay, Anthony, and Dromgoole.

On the Militia.—Messrs. Glascock, Henderson, William K. Fuller, Wagener, Calhoun of Massachusetts, Joshua Lee of New York, Carter, Coles, and Williams of Kentucky.

On Naval Affairs.—Messrs. Jarvis, Milligan, Lansing, Reed, Grayson, Parker, Wise, Ash, and Grantland.

On Foreign Relations.—Messrs. Mason of Virginia, Howard, Campbell, Cramer, Hamer, Allan of Kentucky, Parks, Cushing, and Jackson of Georgia.

On the Territories.—Messrs. Patton, Potts, Brown, Fowler, Pickens, Sprague, Pearce of Maryland, Borden, and Montgomery.

On Revolutionary Pensions.—Messrs. Wardwell, Lea of Tennessee, Lay, Janes, Storer, Morgan, Klingensmith, Bond, and Fry.

On Invalid Pensions.—Messrs. Miller of Pennsylvania, Beale, Evans of Maine, Schenck, Taylor of New York, Harrison of Pennsylvania, Doubleday, Hoar, and Howell.

On Roads and Canals.—Messrs. Mercer, Vinton, Rencher, Lucas, Reynolds of Illinois, Hannegan, Steele, Jackson of Massachusetts, and Calhoon of Kentucky.

On Revisal and Unfinished Business.—Messrs. Huntington, Mann of Pennsylvania, Mason of Ohio, Harlan, and Farlin.

On Accounts.—Messrs. Lee of New Jersey, Darlington, Hall of Maine, Johnson of Virginia, and Turner.

On Expenditures in the Department of State.—Messrs. A. H. Shepperd, Calhoun of Massachusetts, Hunt of New York, Morris, and Sickles.

On Expenditures in the Treasury Department.—Messrs. Allen of Vermont, Harper, Spangler, Russell, and Barton.

On Expenditures in the Department of War.—Messrs. Jones of Ohio, Bovee, Johnson of Virginia, Love, and Hubley.

On Expenditures in the Navy Department.—Messrs. Hall of Maine, Sloane, Seymour, Pettigrew, and Mason of New York.

On Expenditures in the Post Office Department.—Messrs. Hawes, Burns, Childs, Bailey of Maine, and Reynolds of New York.

On Expenditures on the Public Buildings.—Messrs. Darlington, Hazeltine, Pearce of Rhode Island, Galbraith, and Beale.

SELECT COMMITTEES.

On the Rules and Orders of the House.—Messrs. Mann of New York, Adams of Massachusetts, Thomas of Maryland, Williams of North Carolina, Cambreleng, Everett, Parks, Parker, and Chambers of Pennsylvania.

On the Northern Boundary of Ohio.—Messrs. J. Q. Adams, Hardin, Patton, Pierce of New Hampshire, Haynes, Dickerson, McKay, Grayson, and Judson.

Tuesday, December 15.

The SPEAKER notified the House that, in compliance with its rules, he should to-morrow call for petitions and memorials in the order of States and Territories.

ELECTION OF OFFICERS.

On motion of Mr. WHITTLESEY, the House proceeded to the election of its officers by ballot.

Six ballotings for the choice of a Sergeant-at-arms took place, the last of which resulted as follows:

For Roderick Dorsey, - -	122
Oliver Pease, - - -	92
Scattering, - - -	4

So Roderick Dorsey, of Maryland, was elected.

Mr. BOCKEE offered a resolution, proposing the re-election of Mr. Overton Carr as doorkeeper, and J. W. Hunter as assistant doorkeeper of the House.

Mr. HAWES said he believed that, according to the rules of the House, where the persons nominated were opposed, it was necessary to proceed to an election. He had no objection to the nomination now made for doorkeeper, but, as he understood that there would be opposition as to the office of assistant doorkeeper, he must object to so much of the resolution offered.

On motion of Mr. McCARTY,

The House adjourned.

Wednesday, December 16.

Mr. Thompson, of South Carolina, and Mr. Ripley, of Louisiana, appeared, were qualified, and took their seats.

RODERICK DORSEY, elected Sergeant-at-arms of the House of Representatives, presented himself and was qualified.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. FAIRFIELD, understanding, he said, that by a presentation of a petition, a member was not made responsible for its propositions, presented a petition signed by 172 females, praying the abolition of slavery and the slave trade in the District of Columbia, and moved that it be referred to the Committee on the District of Columbia.

Mr. CRAMER moved that it be laid on the table; which was agreed to.

Mr. FAIRFIELD then presented a similar petition, which he moved to lay on the table.

Mr. MASON, of Virginia, said, as it was extremely desirable to have an expression of sentiment on this subject, by the House, he would ask for the yeas and nays on the motion; and they were ordered.

Mr. BOON called for the reading of the memorial. After it was read,

Mr. EVERETT rose to ask whether the motion to lay on the table was made by the member who presented the petition.

Mr. FAIRFIELD replied in the affirmative.

Mr. SLADE moved that the memorial be printed.

Mr. WILLIAMS, of North Carolina, asked the division of the question.

Mr. MASON, of Virginia, asked the yeas and nays on the motion to print, and they were ordered.

The question being taken on the motion to lay on the table, it was decided in the affirmative, as follows:

YEAS—Messrs. C. Allan, Anthony, Ash, Ashley, Bailey, Barton, Beale, Bean, Beardsley, Beaumont, Bell, Bockee, Bond, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, J. Calhoon, Cambreleng, Campbell, Carr, Carter, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Claiborne, Coffee, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Efner, Everett, Fairfield, Farlin, Forester, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Graham, Granger, Grantland, Graves, Grayson, Griffin, Haley, Joseph Hall, Hammond, Hannegan, Hard, Hardin, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hoar, Hopkins, Howard, Howell, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Lawrence, Lay, Gideon Lee, Joshua Lee, L. Lea, Leonard, Lincoln, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Samson Mason, Maury, May, McComas, McKay, McKeon, McKim, Mercer, Milligan, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Phillips, Pickens, Pinckney, Reed, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Seymour, Shepard, Shepperd, Shields, Shinn, Sickles, Spangler, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, J. Thomson, W. Thompson, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Webster, Weeks, White, Lewis Williams, Sherrod Williams, Wise—180.

NAYS—Messrs. Adams, H. Allen, Banks, Borden, Briggs, W. B. Calhoun, Clark, Cushing, Darlington, Evans, Grennell, Hiland Hall, Harper, Hazeltine, Henderson, Hiester, Hubley, William Jackson, Janes, Laporte, Love, Morris, Parker, Dutee J. Pearce, Potts, Russell, Slade, Sloane, Sprague, Wardwell, Whittlesey—31.

Mr. SLADE said that, having made the motion to print, he would beg leave to say a few words in its support. He should not be discouraged in pressing the motion, by the vote which had just been given to lay the memorial on the table. Many gentlemen, he knew, had voted in favor of that motion, simply upon the ground that it had been made by the gentleman who had presented the memorial, but who would not, he was persuaded, deny the memorialists the privilege of laying their views before the House and the country, in the manner contemplated by the motion he had made. He thought the printing was due to the memorialists, and to the subject of their memorial. It was, confessedly, one of great national importance. It had long occupied the anxious attention of a large and highly respectable portion of the country, who had repeatedly pressed the subject upon the consideration of Congress; and whatever might be the views of gentlemen in regard to the expediency of granting the prayer of the memorialists, it seemed to him that it was due to them, as a matter of common courtesy and common right, that the memorial should be printed, to the end that it might receive that attention which the importance of the question and the character of the memorialists demanded.

He was, indeed, personally unacquainted with them; but they belonged to a section of the country as much enlightened on the subject of human rights, and as well informed in regard to their constitutional privileges, as any other portion of the Union. If they were of the same stamp with those of his constituents who entertained the same views, and who had instructed him to present memorials similar to that now before the House, he was sure that none could deny to them a respectful hearing, and to their memorial the regard, at least, which would be indicated by ordering it to be printed.

These memorials for the abolition of slavery and the slave trade in the District of Columbia were less connected with the efforts for a general and immediate abolition of slavery in the southern States than was commonly believed. He had charge of memorials of the same character, which he knew contained the names of many individuals who had no connexion with abolition societies, and who did not harmonize with their views in regard to the object of their efforts; but who, nevertheless, felt deeply impressed with a conviction of the right and the duty of Congress to act upon this subject, and to abolish slavery, and erase from the national escutcheon the foul blot of the slave trade within the limits of this District.

[The CHAIR here interposed, and remarked that it was not in order to go into the merits of the petition on the motion to print.]

Mr. SLADE said he was well aware of the rule suggested by the Chair, which he did not intend to transgress by any attempt to discuss the merits of the question involved in the memorial. He only insisted on the propriety of printing it; and he felt warranted in pressing his motion, not only by the considerations he had suggested, but by the additional one that former memorials to the same effect had been printed by order of the House. He referred, especially, to one which had been presented in 1828, signed by more than eleven hundred citizens of this District, great numbers of whom were slaveholders, and many of whom he knew to be among the most respectable inhabitants of the District. That memorial set forth in strong language the evils of slavery, and painted, in vivid colors, the abominations of the slave trade within this territory over which Congress is invested with the right of exclusive legislation. The signers of the memorial were not in a situation to be accused of fanaticism, while they were in a condition to

form a correct judgment with regard to the evils of which they complained, and for which they besought Congress to provide a remedy; and if gentlemen would take the trouble to examine that petition, they would find the evils of slavery and the slave trade set forth in stronger language than that which was employed in the memorial which he now asked the House to print. He would add, that the memorial to which he referred was called up two years ago by an honorable member from New Hampshire, now a member of the Senate; and, on his motion, was ordered to be printed with the names of the signers. He submitted whether, with this precedent before them, the House could refuse to make the order which his motion contemplated.

Mr. VANDERPOEL remarked that, inasmuch as the memorial had been audibly read by the Clerk, and the contents of it were now well understood by every member of the House, and as the motion to print was debatable, and the debate now commenced was very unprofitable, and would, in all probability, if not arrested, consume the day, he would move to lay the motion to print upon the table; and upon that motion he called for the yeas and nays; which were ordered by the House.

The question being taken, it was decided in the affirmative, as follows:

YEAS—Messrs. Chilton Allan, Anthony, Ash, Ashley, Bailey, Barton, Beale, Bean, Beardsley, Beaumont, Bell, Bockee, Bond, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, J. Calhoon, Cambreleng, Campbell, Carr, Casey, John Chambers, Chaney, Chapman, Chapin, Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Crane, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Efner, Fairfield, Farlin, Forester, French, Fry, Philo C. Fuller, William K. Fuller, James Garland, Rice Garland, Gillet, Glascock, Graham, Grantland, Graves, Grayson, Griffin, Haley, Joseph Hall, Hamer, Hammond, Hannegan, Hardin, Harlan, Albert G. Harrison, Hawes, Hawkins, Haynes, Hopkins, Howard, Howell, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Samson Mason, Maury, May, McComas, McKay, McKeon, McKim, McLene, Mercer, Montgomery, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Pickens, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Sickles, Smith, Spangler, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Wagener, Ward, Washington, Weeks, White, Lewis Williams, Sherrod Williams, Wise—169.

NAYS—Messrs. Adams, Heman Allen, Banks, Borden, Briggs, William B. Calhoun, Carter, George Chambers, Childs, Clark, Corwin, Cushing, Darlington, Evans, Everett, Galbraith, Granger, Grennell, Hiland Hall, Hard, Harper, Hazeltine, Henderson, Hiester, Hoar, Hubley, Hunt, Ingersoll, William Jackson, Janes, Lawrence, Lay, Lincoln, Love, Milligan, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Slade, Sloane, Sprague, Vinton, Wardwell, Webster, Whittlesey—49.

So the motion to print was laid on the table.

Numerous petitions and memorials were now presented; among which,

The SPEAKER presented the petition of David Hewland, of North Carolina, contesting the election of James Graham to a seat in this House, as a Representative from the State of North Carolina.

On motion of Mr. PEARCE, of Rhode Island, the petition and accompanying papers were referred to the Committee on Elections.

Mr. HAMER, of Ohio, rose and remarked that he was absent from his seat when the question was taken on the motion of the gentleman from Maine, [Mr. FAIRFIELD,] and he asked leave now to record his vote; but it was objected to.

Mr. HOLSEY, of Georgia, asked leave to record his vote on the motion to lay the motion to print the memorial presented by the gentleman from Maine on the table; and an objection being made,

Mr. HOLSEY moved the suspension of the rule, to enable him to effect his object; which motion was negatived.

The SPEAKER presented a letter from ELIJAH E. CRARY, transmitting his credentials as a Representative in Congress from the State of Michigan.

Mr. BEARDSLEY said the gentleman could not be considered a member of the House, and was not entitled to a seat as such. As Michigan had assumed the position of a State, and the question of her admission was pending, the House could not prejudge that question by admitting the gentleman to a seat as a member. But, as an act of courtesy to him, he moved that a seat be assigned to him within the House, and that his communication be printed and laid on the table.

Mr. MERCER said he could not concur in the propriety of the course suggested. In order to have time to consult the precedents on the subject, he moved that the motion be laid on the table.

Mr. HANNEGAN moved an adjournment; which was agreed to, and

The House then adjourned.

THURSDAY, DECEMBER 17.

ELECTION OF OFFICERS.

The House took up the resolution heretofore offered by Mr. BOCKEE, for the appointment of certain officers of the House.

Mr. BOCKEE modified the resolution so as to read as follows:

Resolved, That OVERTON CARR be appointed principal doorkeeper of the House; and the resolution was agreed to *nem. con.*

Mr. BOCKEE then submitted the following resolution:

Resolved, That the House do now proceed to the choice of an assistant doorkeeper, by ballot.

Mr. HAYNES nominated Colonel JOHN W. HUNTER.

Mr. PATTON nominated JOHN B. DADE.

Mr. ALLAN, of Kentucky, nominated OLIVER PEASE.

Messrs. HAYNES, PATTON, and ALLAN of Kentucky, were appointed tellers.

The result of the first ballot was as follows:

For Hunter,	155
Dade,	29
Pease,	17
Blanks,	5

JOHN W. HUNTER, having a majority of all the votes, was declared to be duly elected.

PRESIDENT'S MESSAGE.

On motion of Mr. BEARDSLEY, the House resolved itself into a Committee of the Whole on the state of the Union on the President's message, Mr. J. Q. ADAMS in the chair.

Mr. BEARDSLEY offered the following resolutions, which were agreed to:

Resolved, That so much of the President's message as relates to the public lands, to the condition of the Gen-

eral Land Office, and to improvements in the land system, be referred to the Committee on the Public Lands.

Resolved, That so much of said message as relates to the report of the Secretary of War, and the public interest intrusted to the War Department, except so much thereof as relates to Indian affairs, be referred to the Committee on Military Affairs.

Resolved, That so much of said message as relates to the militia of the United States be referred to the Committee on the Militia.

Resolved, That so much of said message as relates to the Indian tribes, and every thing connected therewith, be referred to the Committee on Indian Affairs.

Resolved, That so much of said message as relates to the political relations of the United States with foreign nations, including "the ascertainment of the claims to be paid and the apportionment of the funds under the convention made with Spain," be referred to the Committee on Foreign Relations.

Resolved, That so much of said message as relates to the commerce of the United States with foreign nations and their dependencies be referred to the Committee on Commerce.

Resolved, That so much of said message as relates to the finances, and every thing connected therewith; the custody of the public moneys, and every thing connected therewith; the offices of commissioners of loans and of the sinking fund, and every thing connected with the operations of those offices; and the Bank of the United States, including the books and stock of the United States in that institution, be referred to the Committee of Ways and Means.

Resolved, That so much of said message as relates to the report of the Secretary of the Navy, and the public interest intrusted to the Navy Department, be referred to the Committee on Naval Affairs.

Resolved, That so much of said message as relates to the report of the Postmaster General, the condition and operations of the Post Office Department, and every thing connected therewith, be referred to the Committee on the Post Office and Post Roads.

Resolved, That so much of said message as relates to "amending that part of the constitution which provides for the election of the President and Vice President of the United States," be referred to a select committee.

Resolved, That so much of said message as relates "to the present condition of the District of Columbia," and which recommends a revision of its laws and the extension of political rights to its citizens, be referred to the Committee for the District of Columbia.

Resolved, That so much of said message as relates "to the defects which exist in the judicial system of the United States," and which recommend an extension of that system to all the States, be referred to the Committee on the Judiciary.

On motion of Mr. MASON, of Virginia, the Committee rose and reported the resolutions, and they were concurred in by the House.

The select committee on the subject of the election of the President and Vice President of the United States was ordered to consist of nine.

ELECTION OF CHAPLAIN.

Mr. THOMSON, of Ohio, moved the adoption of the customary joint resolution for the election of two chaplains to Congress.

Mr. WARDWELL stated that he had intended, when this resolution should be considered by the House, to offer an amendment, prohibiting the use of this hall on the Sabbath to the chaplains of Congress, or for any other purpose whatsoever. As he did not, however, wish to embarrass the election of chaplains, which he should not oppose, and as some members supposed that such would be the effect, he would not now offer the amendment, but would give notice that he should, at some future day, offer a resolution, the effect of which will be, if adopted by the House, to close this hall on the Sabbath.

The resolution heretofore offered by Mr. JOHNSON, of Kentucky, for supplying the heads of Departments and bureaux, and other officers of the Government, with copies of the public documents printed by order of Congress, was taken up for consideration.

Mr. PATTON objected to the resolution, on the ground that no object of public utility could be gained by it.

After some remarks from Messrs. MANN, WISE, MILLER, and JOHNSON of Kentucky.

Mr. MASON, of Virginia, moved the reference of the resolution to the Committee on Military Affairs, with instructions to inquire and report whether, in the transaction of public business, the public interest would be promoted in whole or in part; which was agreed to.

Mr. WARD moved that when the House adjourns, it adjourn to meet on Monday next.

Mr. WHITTLESEY offered some reasons connected with the private bills long before Congress, which have heretofore failed for want of time, in opposition to the motion.

After a few words from Mr. WARD, and a suggestion from Mr. MERCER, that next Friday being Christmas, the House would not probably sit, nor on the following Friday, which would be new-year's day,

Mr. BOON moved that the motion be laid on the table; which was agreed to.

On motion of Mr. CAMBRELENG, the annual report of the Secretary of the Treasury, and the estimates of the Treasury, were referred to the Committee of Ways and Means.

The House then adjourned till to-morrow.

FRIDAY, DECEMBER 18.

Mr. MCKENNAN appeared, was qualified, and took his seat.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. JACKSON, of Massachusetts, presented a petition from sundry citizens of Massachusetts, praying Congress to provide for the immediate abolition of slavery within the District of Columbia; which he moved to refer to a select committee.

Mr. HAMMOND moved that the petition be not received. The large majority by which the House had rejected a similar petition a few days ago had been very gratifying to him, and no doubt would be very gratifying to the whole South. He had hoped it would satisfy gentlemen charged with such petitions, of the impropriety of introducing them here. Since, however, it had not had that effect, and they persisted still in urging them upon the House and upon the country, he thought it was not requiring too much of the House, to ask it to put a more decided seal of reprobation on them, by peremptorily rejecting this.

The SPEAKER said he was not aware that such a motion had ever been sustained by the former practice of the House; and in addition to that, by a standing rule of the House, (the 45th,) petitions and memorials could not be debated or decided on the day of their presentation, but must lie over one day, unless the House should direct otherwise.

Mr. GARLAND, of Virginia, then moved to lay the petition on the table.

Mr. HAMMOND said, as he was aware of no rule of the House restricting the rejection of petitions, he would modify his motion accordingly, by moving that the House reject the petition.

The SPEAKER remarked that the motion of Mr. GARLAND would take precedence.

Mr. HAMMOND begged the gentleman from Virginia [Mr. GARLAND] to withdraw his motion to lay on the table, that we might have a direct vote upon this matter. He was not disposed to go into a discussion of the question involved in the petition; though, should it be urged, he would not shrink from it a hair's breadth; but he did think it due to the House and the country, to give at once the most decisive evidence of the sentiments entertained here upon this subject. He wished to put an end to these petitions. He could not sit there and see the rights of the southern people assaulted day after day, by the ignorant fanatics from whom these memorials proceed.

The SPEAKER requested the gentleman to suspend his remarks until he read the 45th rule of the House, which was as follows: "Petitions, memorials, and other papers, addressed to the House, shall be presented by the Speaker, or by a member in his place: a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read." Unless, therefore, the House should direct otherwise, the Chair would be compelled, under the rule, to arrest any discussion, and direct the petition to lie over till to-morrow. Besides, the question to lie on the table, having precedence, was not debatable.

Mr. HAMMOND'S object, he said, was not to debate the merits of the question, but to move, if it was in order to do so, the rejection of the petition.

The SPEAKER replied that the rule was imperative on himself to arrest debate or decision on the petition, unless the House directed otherwise, and it must lie over one day.

Mr. MERCER remarked that the motion to reject brought up the whole merits of the question, and would necessarily bring on the very debate the gentleman said he desired to avoid; and he maintained that the motion to lie on the table was in order.

Mr. GARLAND, of Virginia, said he felt compelled to insist upon his motion to lay the petition on the table for the present.

Mr. WILLIAMS, of North Carolina, said that he did not like to take an appeal from the decision of the Chair, but it was of some importance that the rights of members should be clearly ascertained. He was sure that it was perfectly in order for any gentleman to make the point whether or not a paper should be received, and to move its rejection.

The SPEAKER said, as the question was new to him, he had doubts for a moment; he now entertained the motion of the gentleman from South Carolina, [Mr. HAMMOND,] but the motion to lay the petition on the table interposing, took precedence.

Mr. WILLIAMS contended that the latter motion would apply only after the petition had been received, and was in possession of the House.

Mr. HAWES rose to a question of order. Unless the gentleman took an appeal from the decision of the Chair, he was out of order in addressing the House.

Mr. WILLIAMS intended to appeal. He was in favor of the motion of the gentleman from Virginia, that the petition should be laid upon the table, but he could not consent that that motion should ride over one that was prior to it. He begged to refer the honorable Speaker to an example set by one of his predecessors. It was that of a memorial sent to that House a few years ago, from a representative of some one of the South American revolutionary Governments. That representative of this South American Government took upon himself to appeal from the decision of the President of the United States to the nation, through the House of Representatives, and his memorial was presented by the presiding officer of that House. A question was raised by a distinguished member from Pennsylvania, and a motion was made that the petition should not be received, and the House decided that it should not be received. Now, that was altogether preliminary to the question of laying on the table, and had precedence of it. A motion to lay on the table could only be maintained when the subject was before the House; and after the question, whether it should be received or not, or whether it should be laid before the House, had been decided. It was with a view of ascertaining that question that Mr. W. appealed from the decision of the Chair; for he was in favor of the motion of the gentleman from Virginia, to lay the petition on the table, but he was also in favor of first receiving it.

Mr. MERCER well remembered, he said, the case cited by the gentleman from North Carolina, and if he was not mistaken, the question on that occasion was not in relation to the constitutional power of that House to refuse to receive petitions from citizens of the United States, for the right to petition was reserved to our citizens by the constitution; but it was as to whether an individual, not a citizen of the United States, could come there and petition; the petitioner in that case being a commander in one of the South American Governments.

The SPEAKER stated the question before the House as it then stood, and said he should be glad to have the judgment of the House upon it. After reading the forty-fifth rule, and also the thirty-second rule, laying down the order of privileged motions, of which that to lie on the table stands second, he remarked that the Chair considered the petition as having been received by the House, and had entertained the motions for a time; but, under the former rule, the petition ought to lie over. If, however, the House set that aside, still the motion to lie on the table having the preference, the question could not be debated on its merits. If in error, the Chair would be very happy to be corrected. The question then before the House was, Shall the decision of the Chair be sustained?

Mr. BELL, of Tennessee, thought it would be better that the petition lie over for one day without being debated at that time. As the question was a new one, or about to be decided for the first time, it would be safest for the House at least to let the petition lie over one day; and he would, therefore, suggest to the gentleman from South Carolina that this course had better be adopted, and at the next day of meeting the House could then either reject it or lay it on the table. Mr. B. thought the decision of the Chair, that the petition should lie over, in substance right, and he thought it certainly the safest course to pursue.

Mr. GLASCOCK said he should have supported the views of the last gentleman, if a different course had not been taken the other day. He could see no reason why the course pursued in relation to the petition presented by an honorable member from Maine, [Mr. FAIRFIELD,] should be departed from now; nor why, after the decisive vote that went forth to the country, expressive of the views and feelings of so large a majority on that occasion, they should now assume a different shape. Had the question itself undergone any change? If what was then done was wrong, let them say so, and let those who were unacquainted with the rules of proceeding know they were in error; but he saw nothing in the rules that conflicted with the course now sought to be pursued in relation to the petition on the table. He did hope that, so far as related to the memorials and petitions of this kind, some additional views would be given, to satisfy gentlemen who felt it their duty to introduce and present them, and to satisfy their constituents who

thought it necessary to send them there; and that, as it seemed to him, could best be done now by a vote of rejection. What the decisions of the House might be, he knew not; but if there was such a rule in existence, that the House had no power to reject a petition presented to it, whether respectful or not, it was time the rule should be altered, for he was well assured that they would be harassed throughout the session. He should be sorry if the House was tied down by any rule to receive any and every petition, whether respectful or not. Suppose a petition were presented to the House, and it was found to contain matter disrespectful to a single member of the House, would not a motion to reject it be in order? He would respectfully ask whether he understood the decision of the Chair correctly, that a motion to reject could not be entertained on the presentation of a petition.

The SPEAKER replied that he had not so stated. When the gentleman from South Carolina first submitted his motion, the Chair stated that he was not aware of any such motion having been made in that House during the period the individual occupying the Chair had been a member; that it was new to him at the moment. The Chair, however, did not feel authorized to say the motion should not be entertained; but if it was, he then decided that the motion to lay on the table would have precedence; or that if the motion to reject was received by itself, it was not debatable, because, under the rule of the House, it must lie over one day, unless the House should direct otherwise.

Mr. GLASCOCK had misapprehended the Chair, and would conclude by calling upon the House, that, as they had given one decided vote on the question before, they should not repeat it in the same way, but change their course, and reject the petition altogether.

Mr. HAMMOND would read to the House the rule under which he thought it was entirely competent for him to make the motion—it was this: "When any motion or proposition is made, the question, Will the House now consider it? shall not be put, unless it is demanded by some member, or is deemed necessary by the Speaker." Now, the motion he made was a demand by him upon the Speaker to put the question, whether the petition should be considered or not; and it was a motion any member of the House had a right to put, according to the rules. His reason for making the motion was not that he wished to enter into a discussion of this subject, though he did not fear it, and would never shrink from it, but because he did not wish to disturb that House, nor harass the country, by allowing such petitions to come there. Still he could not sit there, and allow petition after petition to pour in, until they became callous to the subject. He could not sit there, and see the rights of the South assailed, day after day, by ignorant fanatics, without calling upon that House to put the stamp of reprobation upon such conduct.

The SPEAKER reminded the gentleman that the merits of the whole question were not open on a mere question of order.

Mr. HAMMOND would confine himself by saying that if the House should decide that the motion to lay on the table has preference, he would then move that the petition be laid on the table till to-morrow, in order to call it up and move to reject it.

Mr. PEYTON had hoped, and yet hoped, that gentlemen would not give up the motion. The gentleman from Georgia [Mr. GLASCOCK] was mistaken. There had been no decisive vote yet given upon this question. There had been an evasive vote given upon it. Had not Mr. P. sat by and seen gentlemen who voted differently at the last session of Congress, now voting in favor of laying the petition on the table? But these firebrands were cast upon the House now at an earlier day than usual; that spirit was abroad in the land, and it was left for the representatives of the people to meet it.

Mr. REED called the gentleman to order, as his remarks were not pertinent to the question before the House.

Mr. PEYTON said he was assigning reasons for sustaining the motion for the decision of the House at that time, pursuant to the demand made by the honorable member from South Carolina. He hoped they should be permitted to meet this question at its beginning in some shape or other. Now, it struck him with great force, that when a petition was presented containing matter improper for legislation, that the House ought to reject it; and before it was received, it could not be laid on the table for one day. Consequently the question of its reception or rejection must, as a matter of necessity, be first decided, and that brought prompt action upon the whole question. He would repeat that he wished a more decisive vote, and one that would ascertain the wishes, the views, and the feelings of gentlemen upon it; and if they met it, he would say, with the gentleman from Georgia, that it would be decisive. Another reason why it should be acted upon in the present stage, before the consideration of it, was, that it asked Congress to do what every man in the country knew it had no power to do. Suppose a petition were sent there, praying the House to break down our republican form of government, and erect a monarchy upon its ruins, would any one say the House had the power to act upon such a petition? And had the House more power in the present case? Was not the first question to be decided before the petition could be laid on the table? He thought, therefore, the motion of the gentleman from South Carolina the proper one, and that it must necessarily have precedence of all others; and he desired to consider it, and to consider it at once. It would then be seen whether gentlemen would encourage their constituents every where to send there such floods of these petitions as would cover the tables of that hall like the locusts of Egypt, for such would be the result in twelve months. Those gentlemen who had not made up their minds to meet this question, in any and every shape in which it would be presented, must take the responsibility. He wanted no evasive votes. He wanted no propositions to lay on the table. He met the question fully at once, by saying that House had no power whatever to interfere with the question. For these reasons, he should vote for sustaining the motion of the gentleman from South Carolina.

Mr. SLADE raised a question of order as to debating the question of order under consideration. The petition itself, said Mr. S., could not be debated upon the day of its presentation; and this principle, he understood, carried along with it a principle which would prohibit any discussion on the motion to reject, or the appeal from the decision of the Chair, then before the House; and the motion to lay on the table could not be debatable. Under these circumstances, he thought no motion connected with this petition could be debated that day, and he therefore submitted whether it did not follow that the appeal from the decision of the Chair, on this subject, could not be debated.

The SPEAKER said an appeal from his decision, as a question of appeal, was certainly debatable, although the motions out of which that appeal rose were not.

Mr. GARLAND, of Virginia, could assure the House that he was not disposed to avoid this question in any form or shape; and he hoped, while he had the honor of a seat there, he should be prepared to meet it whenever it might come, and wherever it might come from. He had submitted his motion because he thought the motion of the gentleman from South Carolina could not then be put; but if the House decided it could, Mr. G.

would withdraw his motion to lay the petition on the table. The motion to reject came up with the motion to refer the petition to a select committee; the former, as he understood, not being entertained, or not in order, it was then that Mr. G. moved to lay the petition on the table.

Mr. BEARDSLEY asked whether the appeal from the decision of the Chair went only to the rejection of the petition, or also to the question of laying it on the table.

The SPEAKER said the gentleman from North Carolina [Mr. WILLIAMS] had taken an appeal from both.

Mr. WILLIAMS understood the Chair to decide that the motion of the gentleman from South Carolina, whether the petition should be considered, or whether it should be received, was not in order. Now, Mr. W. contended, with all due respect, that when a petition is presented, if any member choose to demand it, he could require the preliminary question to be put, Shall the petition be received? I understood the Chair to decide that the question could not be put.

The SPEAKER replied that the Chair had distinctly stated that, upon a moment's reflection, he admitted the motion for consideration of the motion of the gentleman from South Carolina.

Mr. WILLIAMS. Then there is no question of appeal.

Mr. BEARDSLEY said, as there was no question of appeal pending, but two motions, one to reject and the other to lay the petition on the table, both of which would lie over till to-morrow, he would move that the House proceed at once to decide the last motion, which took precedence.

The question was then put, whether the House would consider the petition now; and it was agreed to.

Mr. GARLAND said, as the motion of the gentleman from South Carolina to reject was then in order, he would withdraw his motion to lay the petition on the table.

Mr. BEARDSLEY renewed it.

Mr. HAMMOND rose to request the gentleman from New York [Mr. BEARDSLEY] to withdraw his motion. He expressed his surprise that, but a moment ago, when the motion to lay on the table, made by the gentleman from Virginia, [Mr. GARLAND,] was before the House, he [Mr. BEARDSLEY] had expressed his desire to have a direct, "unentangled" vote on the proposition to reject. Yet now, when the gentleman from Virginia withdraws his motion, he instantly renews it.

Mr. PATTON asked if the Chair considered the petition to have been received.

The SPEAKER replied in the affirmative.

Mr. PATTON understood that if the motion to consider prevailed, it was distinctly declared that the motion to receive or not receive the petition would be in order. That was a competent motion, which any member of the House had a right to make. Now, it was understood as having been received; the proposition not to receive is thereby cut off. That seemed to be the effect. If that be the effect—and if it be the effect the House did not intend to produce—he trusted the House would put itself *in statu quo;* and that they should have an opportunity of putting a direct vote upon it. If that was the state of the question, Mr. P. would feel himself compelled to move a reconsideration of the vote thus taken.

Mr. BEARDSLEY said the right to petition was a sacred right, guarantied to the citizens of the United States by the constitution, and was one, therefore, the House was bound to respect. To obviate the objections urged by the gentleman, he would withdraw his motion to lay the petition on the table, and move to lay the resolution of the gentleman from South Carolina, to reject the petition, on the table.

Mr. HAMMOND asked for the yeas and nays; which were ordered.

Mr. WISE rose to a point of order. It seemed to him, according to the usual action of the House, that the motion of the gentleman from New York [Mr. BEARDSLEY] must be out of order. A motion was made originally to reject the petition; whereupon a motion was then made to lay the petition on the table; but being withdrawn, the question then came upon the motion of the gentleman from South Carolina, instanter. The motion, therefore, to lay that motion on the table was out of order, because the House had decided it would immediately consider the motion to reject.

The SPEAKER said that the House had decided they would consider the petition now; but, pending the consideration, the House may decide to lay on the table; and therefore the motion was in order.

Mr. WISE would ask the Chair if there was any pendency of consideration in a motion to consider.

The SPEAKER said, pending the consideration of a question, it was competent for any member to move to lay the matter on the table.

Mr. WISE. The motion then before the House was effectually to undo the decision of the House already made.

Mr. VINTON begged to inquire of the Chair, as it would govern his vote, if the motion to lay on the table the motion to reject prevailed, whether the petition would also go on the table; or what would be the pending question.

The CHAIR understood that, by an affirmative vote on the motion to lay the motion to reject on the table, the petition also would go on the table with it.

Mr. BEARDSLEY said, as gentlemen seemed to feel some embarrassment in voting upon this proposition, though he himself did not, he would withdraw his last motion, and renew the other to lay the petition on the table.

Mr. WISE asked for the yeas and nays; which were ordered.

Mr. JANES asked for the reading of the petition; and it was read from the Clerk's table.

Mr. THOMAS said he was surprised to discover that there are gentlemen who are not content with the evidence which has already been given that a very large majority of this House are opposed to any interference whatever, not only with the rights of slaveholders in the southern States, but with the existence of slavery within the District of Columbia. We have already laid on the table, by a vote of nearly three to one, two memorials similar to the one now under consideration. But gentlemen say those votes are equivocal; they wish to have direct proof that the rights of slaveholders are not in danger from any interference on the part of Congress. Mr. T. said that he did not concur in this opinion. The vote to lay on the table had been given to signify a decided opposition to the prayer of the petitioners; nevertheless, he would make a motion which would, he thought, place this subject before the House in a position to afford an opportunity to remove all misapprehension which really existed, and deprive every man every where of all pretext for maintaining that southern property and southern rights are in danger.

Mr. T. then moved to reconsider the vote just given by the House in favor of considering this petition, and said, if this motion is adopted, we shall then have this petition before us in the position in which it was placed when first presented to the House. In the vote given in favor of considering this memorial, many members had been undoubtedly taken by surprise. Some members who are in favor of rejecting this and other similar memorials, and others who are in favor of receiving and then laying on the table this and all petitions of like im-

port, united in the vote which he had moved to reconsider. This strange combination could not have been created without a mistake somewhere. Gentlemen must have supposed that by the adoption of the motion to consider this memorial, the difficulty which has arisen by reason of the decision of the Chair would alone be removed; and that, instead of postponing until to-morrow all action on this subject, we would now proceed to dispose of it, either by a vote to reject or to lay it on the table.

I am not disposed, Mr. Speaker, to afford unnecessarily an opportunity to discuss here the relative rights of master and slave. As one of the representatives of a slaveholding State, I would never provoke an examination here calculated to create false hopes in the minds of an ignorant and stupid population. We have been told, I know not how truly, that great and general excitement has already been produced in some of the southern States, by the circulation of a few fanatical pamphlets. If this be true, is it not madness, worse than madness, to struggle to elicit evidence that there is in that House any one man willing to re-echo the sentiment which these incendiary publications contain? I have been opposed, sir, to all discussion on this subject, and accordingly have voted repeatedly in the two preceding Congresses to lay on the table every proposition calculated to elicit useless and angry debate. And I have been, and am, grateful to the representatives from the North and West, where slavery does not exist, for their cordial and earnest effort to extinguish every firebrand which has been thrown in here, either in the form of speeches or petitions, tending to destroy the broad foundation on which our Union rests. But is it not obvious that our exertions have not been crowned with complete success? In the last two Congresses, the petitions of the abolitionists were laid on the table, as an evidence of our reprobation of their objects; notwithstanding, at the present session we have already received those petitions, and shall probably have to dispose of several more. These fanatical crusaders against evils abroad, who have, no doubt, vices enough at their own doors to exhaust, in their correction, that overflowing Christian charity of which they boast so much and manifest so little, nothing daunted, continue to pour their poisons into that national chalice, from which the whole people of the United States have so long quaffed the sweet waters of concord and Union. Now, what is to be done? For one, I am prepared to meet directly every question connected with these memorials. I am willing to follow the precedent set by Congress on another question. The opponents of a Sunday mail petitioned Congress; their memorials were rejected, because their object was unreasonable; they persisted, and their numbers increased; the House of Representatives finally referred all those petitions to a select committee; from which emanated one of the most masterly state papers which has ever been published in the country. It was addressed to the understanding, not to the passions, of the American people; and there was a response from all quarters to its cogent, persuasive, and conclusive reasoning. Its arguments were unanswered and are unanswerable; and the petitioners were silenced. The oil was spread over the troubled waters, and the turbulent waves became still.

Gentlemen say we must prevent any discussion on the subject of these memorials, because they must inevitably disturb the harmony of our Union. There was a time when the force of this reason could be fully felt by all. But has not that time gone by? Without our agency, indeed in defiance of all precautions on the part of Congress, the power and purpose of the General Government to interfere with the question of slavery has been, and will be, discussed in every newspaper, in every periodical publication, from Maine to Missouri. It is a gross error to suppose that this House can, by a mere *sic volo*, give law to the people of the United States. The members of this House are not in positions stable enough for that. To attempt it would be as vain as the effort of Xerxes to chain with links of iron the surging sea. Our march is not to be always on the mountain wave of popular opinion. We are here to-day—we are gone to-morrow; and must return to our respective places in that great deep, that vast hall of legislation, the confines of which are coextensive with the boundaries of the Union, and there assist those who are now our constituents, to fashion and form that public opinion, which must ever direct and control the whole operations of this Government.

"Like bubbles on the sea of matter borne,
We rise, we break, and to the sea return."

Assuming these positions to be true, how ought the members of this House to act on the present occasion? To decide that question satisfactorily for myself, has been, until to-day, a difficult task. Twice, during the present session, I have voted to lay on the table petitions from the abolitionists. This was done under the impression that such a proceeding would be entirely satisfactory to the whole southern delegation. The large majority of northern and western votes by which it was done, too, was hailed by me as evidence conclusive that there is no disposition in these sections of the Union to do any act calculated to disturb the harmony of our Union. To-day we are told that the vote to lay on the table is an equivocal act. That it has been resorted to to afford an opportunity to pretending enemies of abolition to conceal their future purposes. Sir, is it right and proper, under these circumstances, to persevere in the course which has been heretofore pursued? If gentlemen on this floor can be so far misled as to suppose there is a lurking intention in the mind of any member to turn loose an ignorant and helpless population to pillage and plunder, in what condition will you leave many of the constituents of gentlemen who are remote from the scene of action? Will they not be in a proper condition to become the instruments of the designing? May not rash and misguided men, in one extreme of the Union, engender those suspicions and distrusts which will be necessarily destructive of all the ends for which this Government was established? And may not the headstrong fanatics of the North be furnished with the means of increasing their paltry numbers by inculcating the belief that their nefarious purposes are but postponed? In my humble opinion, if we refuse to act decidedly, to meet all questions connected with this unpleasant subject directly, we shall furnish the enemies of our peace and Union with a most dangerous weapon. We shall supply the means to faction and fanaticism to agitate the whole country. And the day may come when these few and furious destroyers of this country's happiness and glory will have produced real, not as it is now, imaginary, in the North—not as it is now, a very limited, but an extensive excitement—which will sweep in waves to the very walls of that constitutional temple in which our fathers fondly hoped they had garnered up so many bright hopes and so many blessings for this magnificent confederacy.

Mr. Speaker, I am prepared now to meet the responsibilities which circumstances have imposed upon us. I am prepared to vote for the reception of the petition, and of all other memorials of similar character; and am ready to vote against laying them on the table; to declare distinctly that the prayers of these petitioners are unreasonable, and ought not to be granted.

Mr. ROBERTSON asked for the yeas and nays; but they were not ordered.

Mr. HOPKINS said that they were very much embarrassed, and it occurred to him that there was but one conceivable mode by which they could be relieved from

that embarrassment. He understood that, by the rule of the House, upon the presentation of petitions, unless the question is required to be put by a member of the House, or by the Speaker, that the same is received as a matter of course; in other words, received by a vote of the House, *sub silentio*. If this be the fact, then, this petition had been received. It seemed to him that the best mode would be to throw the petition back again to the point where it was left by the gentleman who presented it; and, in order to do that, he would propose to move a reconsideration of the vote of the House by which the petition was received. He would go farther back than the gentleman from Maryland, [Mr. THOMAS,] and move a reconsideration of the vote of the House whereby the petition had been received.

Mr. MASON, of Virginia, said his colleague would be satisfied, upon a moment's reflection, that no benefit could result from such a motion. It was the constitutional right of the people of this country to petition to that House, and no vote was ever taken on receiving a petition. When an honorable representative rose and presented a petition, it was received; and the first question which any member had a right to demand, was, that it be considered. If the House determine not to consider it, they are to determine at once; and that he understood to be the point in their proceedings at which it was the object of the gentleman from Maryland to arrive; and Mr. M. hoped the gentleman's motion would be adopted. He had hoped that, after the proceedings which had already taken place in that House, there would have been a general acquiescence in the only, if not the express sense of the House, by an overwhelming majority, not to entertain such petitions as that under consideration. The only mode in which there could be a more direct sense of the House on the subject was by adopting the motion of the gentleman from Maryland; and then, if it be the pleasure of the majority of the House not to consider the petition, and so to determine at once, there the matter would end; and he hoped the motion would be adopted, and then that the House would determine not to consider the petition.

Mr. BEARDSLEY was satisfied that most of the difficulty arose from misconception. The honorable member from South Carolina desired to have a direct vote of the House upon the motion to reject, or not to receive, the petition under consideration. Other gentlemen, who agreed with the gentleman from Virginia, who last addressed the Chair, said they would not vote in the affirmative on such a question, because it was in violation of the rights of the people of this country to petition upon all subjects; and the House of Representatives was bound to receive their petitions. When received, it was true the House might decline acting on them, or might dispose of them in a variety of ways. For himself, (Mr. B. said,) the House having received this petition, he was ready to give a direct vote upon it, a vote that should mark the opinion of the House upon the character of such petitions, by saying affirmatively that they would not consider it. If that would meet the views of honorable gentlemen, he was willing to modify his motion to lay on the table, and to move that the House would not consider the petition, or would reject its prayer; although laying it on the table he thought equivalent to either of the modifications indicated.

All Mr. B. desired was to preserve the right of their constituents to petition; a sacred and invaluable right, guarantied to them under the constitution, and the exercise of which the House was bound to treat with respect. If the petition were in insulting terms, they might send it back; but if their constituents sent them one that was respectful in its language, but of whose prayer they entirely disapproved, let them lay it on the table, or reject its prayer. If any gentleman supposed that a vote of the House not to consider this petition, and all other petitions of the same character, would more distinctly mark the reprobation of the House, then Mr. B. would with great pleasure modify his motion. Why, then, should they reconsider, as proposed by the motion of the gentleman from Maryland? For what purpose? Was it to entertain the question of rejecting the petition? He understood that to be the object of the mover; and, if so, he hoped the House would not reconsider, but that they would preserve to their constituents the right of petitioning, and, by a vote to lay on the table, preclude all further debate upon this exciting and mischievous topic.

Mr. BOULDIN said he was willing to meet this question in any way. He had been so the last session and the session before, and declared his willingness then, in deference and respect to his southern brethren, who he knew agreed with him in interest and feeling; and, at their suggestion, he agreed with them in voting to give the matter the go-by. He then thought, and still thought, that the people of the South ought to know and to see and to hear, all that we know and see and hear upon this subject. He was anxious, however, if they were to come to any expression of opinion and feeling on this matter, so momentous to the South, that they should not be brought to that vote entangled by the rules of that House. He wished, when the opinion of the South upon this subject should be expressed, and their feelings made known, it would be done in a way that would leave no doubt what that opinion and those feelings were. And he was persuaded that, when their opinions and feelings came unshackled by forms or rules, or any thing but the mere question itself, the South would satisfy the North, East, and West—would satisfy the whole world—nay, would convince even fanatics themselves, that they must let us alone upon this point; and convince them, and all the agitators and movers of these petitions, that they had as well let us alone, and employ themselves in removing from their own eye the beam which is in it, rather than disturb themselves so much about the mote that is in their brother's eye. Let us not (said Mr. B.) come to a vote that will leave the world in doubt whether we voted on the rule or the thing—let this petition pass, and no doubt they will be coming again to-morrow—ay, in a half hour—with one that will enable us to meet it face to face, and toe to toe, and leave neither them nor the world in doubt what we mean. Mr. B. concluded by saying that he rose to ask what would be the effect of his vote—ay or no—on the question itself. He would give the best vote he could, but did not know himself how that vote would be understood. He would content himself with the belief that the question would come up in a form which would leave no doubt either with himself or any one.

Mr. PEYTON was in favor of the motion to reconsider. He would not have troubled the House with any remarks again, but for the position assumed by the gentleman from New York. That gentleman contended that the right of petition was a sacred right, guarantied to every American citizen under the constitution; and that the House had no right to deprive them of the exercise of that right. Mr. P. said they had the right to petition, and to think and to say what they pleased; and, further, they had the right to send any matter they choose throughout all the country, without regard to consequences, and that House had no power to resist it. But, then, he claimed that, when it came to that House, the representatives had the right to treat it and dispose of it in such manner as they thought best. Was the sacred right of petition any dearer than many other sacred rights—the right to property, to liberty, and to life? And had not the attention of the House

been called, by the message of the President of the United States, to this very question of this sacred right of thinking, and writing, and sending through the mail, such documents as were then before them? Should they connect the efforts of a few fanatics to disturb the harmony and peace of the country with those sacred and inalienable rights to which the gentleman alluded? Should they connect the attempt, whether it came by petition to Congress or by a document transmitted in any other mode, to throw a firebrand into the South, with the sacred rights of liberty and property?

The SPEAKER reminded the gentleman that the merits of the question could not be gone into under the motion before the House.

Mr. PEYTON only meant to reply to what he considered to be the constitutional right contended for by the gentleman from New York—the right of the citizen, every where, to send such papers and petitions there. He was endeavoring to meet this, by saying that the slave question was not one to which the right of petitioning applied; but that if it did, and petitions were sent to that House, and papers of the same character were distributed over the country, it would have the effect of touching a chord that would arouse all America.

Mr. RIPLEY said that this was a grave and important question. There was no subject of deeper interest in the quarter of the country from whence he came. He had been sent here to oppose every effort of a certain class of citizens, in reference to slavery within this District, or elsewhere. In disposing of the question before the House, care should be taken rather to allay the public feeling than to add to the existing excitement. The right of petition was a solemn one, and had been guarantied from the time of *magna charta* to the present moment. Our citizens have a right to petition for a change of their constitution, and, indeed, for a change in the form of Government. Every decorous memorial should be received; but, when received, it is in the power of the House to dispose of it as it may deem proper. The motion to reject this petition was an incipient question, and, in his opinion, should take precedence. He again adverted to the great excitement in the South on this subject, and the importance of allaying that excitement by a decisive course here. If the gentlemen from the North were sincere in their friendship for their brethren in the South, and were desirous of breaking down the double wall of partition between those two sections of the country, they could give an earnest on the present occasion, by voting promptly to reject this petition; and when it shall go forth that we have rejected it by a vast majority, it will have an effect even upon the fanatics themselves, who do not understand the position and feeling of the South on this subject, while it will, at the same time, allay the existing excitement in that portion of the country.

Mr. WISE was for sustaining the motion to reconsider; and, for one, could testify that he had voted under a misapprehension. In voting for the motion to consider the petition, he thought he was voting to have a direct decision of the House on the motion of the gentleman from South Carolina. He was intending to bring the House also to a direct decision of the question, and had no idea, after the House had decided it would consider the petition, that the consideration itself would be evaded.

Mr. W. had misapprehended in another particular. He had not understood the motion of the gentleman from South Carolina to be to consider the petition today, but to consider his motion to reject the petition, which was what Mr. W. wished to consider. So help him God, he never wished to consider the petition of an incendiary, but he would consider the motion to reject the petition, and he warned the gentleman from South Carolina that these were the means of evading his motion. Mr. W. then referred to the proceedings of the Senate two years ago, on a motion to reject a petition to that body, containing matter disrespectful to the honorable William Wilkins, then a Senator from the State of Pennsylvania, to show that such a course was within the rules of order; and asked whether the gentleman from New York considered the present a respectful petition, where gentlemen on that floor were characterized as land pirates? He had hoped that, after the proceedings at a celebrated meeting at Utica last summer, where the gentleman himself took a very prominent part, he should have had that gentleman's vote on the question of rejecting this petition—a petition that was both insulting in language and incendiary in its character. Mr. W. hoped the motion would prevail, although he did not consider it in itself decisive. They could never get a direct vote on that question. Many would vote not to reject it, on account of the sacred right of petition, but he hoped the House would not evade the question. He hoped gentlemen who professed to be friendly to the South would come out and avow their principles and their opinions. If the House desired to evade the question, let the South know it. If it was the opinion that Congress had the right to interfere in this question, let the South know it at once, and it would know what to do. Their predecessors had told them what to do. They had no longer any business there. Their business was at home, to report to their people. He would go home, never to return there again, if that House were to say, directly or indirectly, that Congress had that power. That was the question he wished to bring before the House, whether the House had the constitutional power to legislate upon the subject of slavery in the District of Columbia at all. He denied the right.

It was important to have a direct decision on this question, and there was no way of getting it, but by sustaining the motion then under consideration. Gentlemen must show they are either for or against us, and if they would not show it upon the direct questions, and upon the main questions, they should show it upon the incidental questions; and he, for one, would be willing to consider this as the test question. Those who are for laying the motion on the table, he viewed as evading the question, and so would the South view them. Those who were for a direct vote on the motion of the gentleman from South Carolina, would be viewed as the friends of the South, and not the South alone, but of the whole nation. He would repeat, the petition was not respectful to the House, and therefore it ought to be rejected. He could never consent to refer or consider a petition that called the members of the South land pirates.

Mr. HAMER inquired of the Chair, whether, if the present motion prevailed, it would be competent then for the gentleman from South Carolina, or any other gentleman, to move to reject the petition?

The SPEAKER said he was under the impression that that would be a competent motion.

Mr. HAMMOND said it had been far from his intention, when he made the motion he did, to throw a firebrand into that House. On the contrary, he had hoped by it to exclude one from the House. He thought the motion a very simple and direct one; and, ignorant as he was of the rules of the House, he had no idea that the House had it not in its power to protect its own dignity, and the feelings of its members, by rejecting instanter any thing calculated to affect either the one or the other. If the House had no such rule, the rule of common sense ought to govern it.

When the proposition was made to consider this petition, it was made by himself, with a view of then moving its rejection. Under the decision of the Speaker, that

motion was decided not to be in order. The subsequent vote was a trap into which they fell, and he thanked the gentleman from Maryland for having made a motion by which they could extricate themselves. Should the House determine to reconsider that motion, he (Mr. H.) would then move the rejection of the petition; for he was resolved that the House should vote directly on the question. Let no member there lay the flattering unction to his soul that he could escape the question, for it should be decided. He did not make the motion with any reference to party politics. God forbid that he should make a motion of such a purport, to affect a miserable scramble for offices in this country. No! His object was a more sacred one. It was to protect the rights of his constituents and his own; and if they could not maintain them by the action of that House, they would maintain them by their own action. They did not call upon the House to protect them; they did not ask that House or the Government to protect them; they stood erect, self-confident, united, strong, and they asked no protection, but scorned assistance, and defied opposition. Mr. H. said his motion involved no constitutional right of any citizen of the country. But if they had the right to petition, had not the House the right to reject? Was there any constitutional privilege that demanded of the House that it should imperatively receive and consider the petition of any citizen? He thought not; and even if there were, the constitutional privilege would operate both ways; and when they chose to petition, the House could choose to reject. To the recommendation of the gentleman from Maryland, to refer this petition to a select committee, in order that they might make a report, Mr. H. was utterly opposed. He would not treat that petition with so much respect, nor was he disposed to fire, that he might exhibit his skill. He had no idea of scattering firebrands through the country, that he might distinguish himself in putting them out. He did not wish to discuss the question, and he begged the House to understand that, in the few remarks he had made, he did not design discussing it. Whenever it was discussed, they would go much deeper in the matter than this. Whenever it should be, if ever, taken up in that House for discussion, it might expect to find parties and principles anatomized and held up to the view of the world that were now treated with lenity. He hoped, however, now, that the House would take a direct, unentangled, and simple vote upon the question.

Mr. BEARDSLEY desired to correct a misapprehension of the gentleman from Tennessee, [Mr. PEYTON.] That honorable gentleman seemed to understand Mr. B. to say, that the citizens of this country had not only the right to petition that House, and to send papers of this character there, but that they had also the right to transmit such papers to every part of the Union, in every possible way.

Mr. PEYTON did not understand the gentleman so, nor did he intend to be so understood himself.

Mr. BEARDSLEY said he understood the gentleman very distinctly to say, that he (Mr. B.) had asserted that the citizens of this country had not only the right to send their petitions here, but also to send their papers elsewhere. The honorable gentleman, however, disclaimed it, and Mr. B. was satisfied.

A word or two upon another subject. If the motion of the gentleman from Maryland should prevail, the Chair has decided that this matter, instead of being disposed of to-day, went over to another day; and the House could not but see that after wasting this day—for it was wasting, or worse than wasting—they would to-morrow be in the same situation as at first. For what purpose would the House reconsider its vote, and spend another day, or perhaps a week, in this discussion? He hoped that the House would follow the example, the salutary example, set by preceding Congresses, by putting all papers of this description on the table without debate. That motion was pending, and followed the one made by the gentleman to reconsider. If that should be rejected, the motion would come up for laying the petition on the table, and nailing it there, whence it would not be taken during the session. If other petitions of the same character came, let them share the same fate.

Another remark or two. It was, it must have been, obvious to all, that there were those who desired to continue the discussion of this question. He could not and he would not say they did it from any improper motive; but it could not have escaped the attention of the House, that gentlemen desired to speak, and talk, and discuss this question of slavery, harassing as it was to the country. Those who voted to lay a similar paper on the table the other day, those who would vote to lay the one under consideration on the table to-day, were those who desired to avoid discussion. For what purpose was the continuation of the discussion now desired? Every one knew that petitions of this kind had been presented for the last four years, but no discussion had taken place upon them. He hoped, most sincerely, that that House would not invite or sanction this discussion. He would tell gentlemen there were fanatics and incendiaries at the South, as well as at the North, who hoped to profit by the agitation of this subject. Those who voted to put the petition on the table were for preserving peace and quiet there, and for preserving peace, quiet, and order, in every part of the Union. Let us, then, (said Mr. B.,) nail it to the counter, and thus silence debate. He hoped the motion of the gentleman from Maryland would not prevail; but that the motion pending upon that, to lay it on the table, would prevail, and then they would see no firebrands in that House.

Mr. VANDERPOEL said he was surprised at the range which the debate had taken upon the question now before the House. He believed it was incompatible with the interests and true objects of those who were opposed to the mischievous doings of the modern abolitionists. Mr. V. said that he was the last man on that floor to dodge or evade any direct point or vote, that should indicate his opinion upon the principle involved in the petition now upon the Speaker's table. He would, as prefatory to the few remarks he intended to submit, take occasion to say that he had last year, as a member of the District Committee, to which similar petitions were then referred, opposed, and he would always, and forever, while he had a seat here, oppose any measure that might directly or indirectly favor, or forward, or countenance, the views and objects expressed by such petitions. He was opposed, openly and unconditionally opposed, to the interference of Congress with slavery in the District of Columbia, and to the mischievous and incendiary doings of abolitionists and abolition societies, in relation to slavery in the slaveholding States. He (Mr. V.) had never had any doubts, or qualms, or scruples, as to what was his duty upon this momentous subject, as an American citizen, and as one of the Representatives of one of these confederated States. But while he made this unequivocal avowal of his sentiments, he would not refrain from remarking that, if he had entertained any such doubts or scruples, he had heard speeches to-day from certain quarters very ill calculated to remove those doubts or scruples. Why had this debate taken such an immeasurable range? Was it consistent with one of the cardinal doctrines of the friends of the South, that the subject was one so delicate in its nature, that the less that was said about it the better? It really appeared to him that we were aiding the efforts of the abolitionists, by shooting off, upon a mere prelim-

inary question, into dissertations upon the evils and abominations wrought by northern abolitionists.

What was the question before the House? It was upon the motion of the honorable gentleman from Maryland [Mr. THOMAS] to reconsider the vote taken this morning, to the end that that honorable gentleman might move (as he had promissed to do) the question, whether the House would consider the petition. He would vote first to reconsider, and then he would, if the question were propounded, vote against considering the petition, and for reasons which he would very briefly state.

Mr. V. conceived that this course would save the rights of all parties. It would save the sacred right of petition, and secure the object of all those who felt duly solicitous for the rights and interests of the slaveholding States. For (said Mr. V.) the motion or question whether we will consider the petition presupposes the reception of it. That motion proceeds upon the assumption that the petition is already here before us, as it now surely is in point of fact; and a negative vote to the proposition, whether we will consider the petition, would certainly be as emphatic a mode of expressing our disapprobation, nay, our reprobation, of the object of the petitioners, as could well be conceived. It would be a strong and marked refusal to let the petition go through the ordinary routine of legislation, and would be telling the petitioners, the nation, and the world, that the notions of the petitioners were so heretical, and their doings were so mischievous and incendiary, that *co-instanti* that such petitions were read, we would consign them to a grave from which there should be no resurrection. Was it not clearly so, viewing this subject through the medium of common sense, and testing it by the rules of parliamentary logic? Yes, sir. The refusal to consider the petition would be telling such petitioners, in language that could not and would not be misunderstood, to cease their abortive and incendiary efforts to disturb the rights of property recognised and guarantied by those men of olden times, who were so much wiser and better than the reformers and fanatics of modern days. Why, then, were we disputing about forms? Why not march directly to the point upon which all the true enemies of abolitionists would agree? Refuse to consider the petition, and you do what should be done, and that in the most prompt manner.

Mr. V. said he could not but repeat his surprise, that any gentleman could conceive that the interest of the South could be advanced by the protraction of this debate. He had flattered himself that the vote that was given a few days ago, upon the memorial presented by the honorable gentleman from Maine, [Mr. FAIRFIELD,] had given this exciting subject its quietus for the session. He imputed no sinister motives to any gentleman, and he trusted that he cherished none himself. He believed that gentlemen here meant what they not only avowed that they did mean, but what they solemnly pledged by their votes that they meant. He had supposed that common charity, not to mention parliamentary courtesy, required this species of faith from every gentleman upon this floor. He, therefore, had believed that when gentlemen had refused on Monday the courtesy of even printing the petition presented by the gentleman from Maine, in addition to their vote to lay it on the table, it should serve as a most ample guarantee, that all who voted against printing were decidedly opposed to the prayer of the petitioners. And was this not so, sir, according to all the known and legitimate deductions from parliamentary proceedings? Had gentlemen, before today, ever imagined or proposed a more summary and unequivocal mode of rejecting the prayer of a petition than was indicated by a refusal to print it, and an almost unanimous vote to lay it on the table? It would be probably recollected what course he (Mr. V.) had taken in regard to the petition of the honorable gentleman from Maine. The mover of the petition himself moved to lay it on the table, and many gentlemen no doubt voted to lay it on the table, because of this circumstance. An honorable colleague of his own [Mr. GRANGER] had preceded his vote with the inquiry, whether the gentleman who introduced the petition moved to lay it onthe table; and, upon receiving an affirmative response from the Chair, he replied, "Then I vote in the affirmative!" Mr. V., for the purpose of more effectually ascertaining the sense of the House, and to arrest an unprofitable debate upon this exciting subject, then moved also to lay the motion to print the petition on the table; and the triumphant affirmative vote upon that question should have satisfied, and was sufficient to satisfy the nation, that such petitions would never receive the least countenance from this House. Strong as that vote was, it was evidently not near so strong as a vote would be upon a direct proposition to reject the prayer of the petition. Many gentlemen, doubtless, voted in favor of printing from considerations of courtesy to the petitioners, who would vote against the object of the petition. After all that had taken place on Monday, he had supposed that the sense of this House against the exciting and diabolical schemes of the abolitionists had been expressed to the nation and to the world, in a manner so clear and so emphatic, that "the wayfaring man, though a fool," could not err as to what were the sentiments of a vast majority of this House; but from the proceedings of to-day, it would seem that some gentlemen supposed he was mistaken.

Mr. HARPER, of Pennsylvania, wished briefly to state the grounds of his two former votes on this subject, and those upon which he should then vote. He voted against the motion to lay the petition from Maine, and the motion to print it, on the table, not because he entertained a sentiment in common with the abolitionists, but because he thought the sense of the House ought to be fairly, decisively, clearly, and unequivocally, expressed on this subject, so as to prevent its being troubled with it hereafter. Therefore was it that he voted against laying both questions on the table. He was convinced that the mere rejecting the petitions would not be satisfactory, and would not be giving such reasons as would be convincing to the minds of those people who sent them there. If the House were to give these memorials to a committee, and let them bring in such a report as should clearly express the sentiments of the country, these petitions would cease. He hoped, therefore, the House would meet the question on cool, dispassionate, and temperate grounds, and that they would permit it to take the couse he had recommended. Mr. H. said he should vote against the motion to reconsider, because he wanted the question fully considered in the way he had indicated. He wanted to get a report from a committee that would be adopted by the House, and thereby save further agitation on the subject.

Mr. MASON, of Virginia, said that, in considering every question affecting the public interest, the calmest deliberation became the representatives of a free people. In all the wide range of the legislative duties of Congress, all must concur there was none which required more essentially a dispassionate and deliberate disposition than this; without it, the beneficial moral influences of their decision must be lost to the country. He was aware of the extreme delicacy of the subject—of the deeply seated sensibility which it excited, and which it was impossible to allay—of the extreme difficulty of approaching it without excited feeling; but no practical good could result from strong denunciation or impassioned invective. He did not rise to discuss the subject referred to in the petition. A respectable portion of his constituents had instructed him not to engage in such a

discussion; but he wished to submit a few observations to the House, in the sincere hope that the embarrassment of their situation might be relieved, and a decisive vote taken on this important and exciting topic.

This same subject had been presented to the consideration of Congress, from time to time, since he had a seat there, on the petition of persons who had, as these petitioners have, no community of interest in the alleged grievance of which they complained; and he would here say, what he firmly believed, that he had never seen on the floor of the House of Representatives a half dozen members, of any party, disposed to exercise their legislative authority for the abolition of slavery here or elsewhere.

In the course of this debate, he was happy to have heard every gentleman express a decided opposition to the prayer of the petition. All concurred that there should be no legislative enactment in conformity to their wishes. But the difficulty exists in the conflicting views as to the means by which this end is to be attained. How is the subject to be disposed of?

The House has decided to consider the petition. The gentleman from Maryland has moved to reconsider that vote. Some gentlemen are opposed to this motion, because they wish to lay the petition on the table, from which it cannot be called up without the concurrence of two thirds of the House, and thus give it its quietus, and in effect refuse to consider it. But will they accomplish their object? I understand the gentleman from New York [Mr. BEARDSLEY] to have suggested that, if more agreeable to the House, he will modify his motion to lay on the table, so as to refuse to consider the prayer of the petition. It appeared to him that this was precisely equivalent to a direct vote on the question of consideration; and although avoided now, it must be met on some other petition of a similar character with this.

It is necessary that the House should meet the question. When, on a former day, a gentleman from Maine presented a similar petition, and moved to lay it on the table, he (Mr. M.) had demanded that the question should be taken by yeas and nays, and, in doing so, alluded to the deep sensibility which pervaded a large portion of the country on the subject, and asked the members of the House to express their opinions on the principle involved in the petition in the vote then to be given. The result was an overwhelming majority against the petition. He had hoped, most sincerely, that the decision then made would have been acquiesced in; and that gentlemen charged with such petitions, from respect to the expressed opinion of the House, would have withheld them, or, on presenting them, would have consigned them to the same fate. In this he was disappointed; and to him it was apparent, that laying one or many of these exciting petitions on the table would not relieve the House, and it was necessary to adopt a more decisive mode. In his judgment, this could only be done by refusing to consider them.

Other gentlemen are disposed to refer the subject to one of the committees of the House. He asked, what beneficial result could be effected? The only object of a reference to a committee was, that the subject referred might be investigated, and its details prepared with more accuracy and despatch, for the purpose of legislative action. To such examination, a committee was better suited than the House. But surely the House would not refer a petition, embracing a great principle, which has agitated the public mind throughout the country, and on which every member is prepared to express his opinion. But it is urged that a report adverse to the petition would aid in allaying excitement, and restrain a perseverance in this mischievous course. Has not this been done? Has not more than one able report, condemning similar petitions, been made to this House in former sessions, and published to the world? We cannot desire merely a republication of what has already been published, and we will deceive ourselves if we hope to repress a fanatical spirit by giving such a countenance to the effusions of misguided zeal.

If, said Mr. M., the House is prepared to decide upon the principle of this petition, why may we not reject it at once? Surely there is not one disposed to exercise the high and dangerous power which the petitioners invoke at our hands; why, then, shall we entertain the subject? why keep alive those feelings of apprehension and excitement which it is our sacred duty to allay? To refer the petition is an act of supererogation, which can do no good, and will do much mischief. The most unexceptionable mode in which we can accomplish this object is to reconsider the vote; and then it will be competent for the House at once to refuse to consider the petition, or to reject it; and if a majority of the House (and I doubt not there is an overwhelming majority) are opposed to the petition, let them meet the question at once, and terminate those angry discussions, and allay those bitter feelings which scar, if they do not break, the pillars of the noble edifice of our constitution and liberty.

Mr. PIERCE, of New Hampshire, said he had no disposition to discuss the merits of this deeply exciting question at any time, and his respect for the rules of the House would prevent his attempting to do so, under the motion of the gentleman from Maryland [Mr. THOMAS] to reconsider; which motion he hoped would be withdrawn, and then the motion of the gentleman from New York, [Mr. BEARDSLEY,] so far modified as to meet the approbation of all who are most sensitive upon this agitating question; and he rose to add his request to the suggestion made by his friend (he hoped he might so call him) from Virginia. This was not the last memorial of the same character which would be sent here. It was perfectly apparent that the question must be met now, or at some future time, fully and explicitly, and such an expression of this House given as could leave no possible room to doubt as to the opinions and sentiments entertained by its members. He, (Mr. P.,) indeed, considered the overwhelming vote of the House the other day, laying a memorial of similar tenor, and, he believed, the same in terms, upon the table, as fixing upon it the stamp of reprobation. He supposed that all sections of the country would be satisfied with that expression; but gentlemen seemed now to consider the vote as equivocal and evasive. He was unwilling that any imputation should rest upon the North, in consequence of the misguided and fanatical zeal of a few—comparatively very few—who, however honest might have been their purposes, he believed had done incalculable mischief, and whose movements he knew received no more sanction among the great mass of the people of the North, than they did at the South. For one, he, (Mr. P.,) while he would be the last to infringe upon any of the sacred reserved rights of the people, was prepared to stamp with disapprobation, in the most express and unequivocal terms, the whole movement upon this subject.

Mr. P. said he would not resume his seat, without tendering to the gentleman from Virginia, [Mr. MASON,] just and generous as he always was, his acknowledgments for the admission frankly made in the opening of his remarks. He had said that, during the period that he had occupied a seat in this House, (as Mr. P. understood him,) he had never known six men seriously disposed to interfere with the rights of the slaveholders at the South. Sir, said Mr. P., gentlemen may be assured there was no such disposition as a general sentiment prevailing among the people; at least, he felt confidence in

asserting that, among the people of the State which he had the honor in part to represent, there was not one in a hundred who did not entertain the most sacred regard for the rights of their southern brethren—nay, not one in five hundred who would not have those rights protected at any and every hazard. There was not the slightest disposition to interfere with any rights secured by the constitution, which binds together, and which he humbly hoped ever would bind together, this great and glorious confederacy as one family. Mr. P. had only to say that, to some sweeping charges of improper interference, the action of the people of the North at home during the last year, and the vote of their representatives here the other day, was a sufficient and conclusive answer.

Thus much he had thought due to himself and to those whom he had the honor to represent. If the motion to lie upon the table should be persisted in, he should vote for it, though he would prefer to meet the question in some form which could by no possibility be considered either equivocal or evasive.

Mr. MASON, of Virginia, suggested that the object might be accomplished by a resolution to this effect: that the House, having the petition under consideration, resolved that it be rejected.

Mr. CAMBRELENG thought his honorable colleague misapprehended the object of the motion to reconsider, which was to reconsider the vote to consider the petition this day. Mr. C. should vote to reconsider, in order to move to suspend the 45th rule, and consider the petition.

A motion was here made by Mr. VINTON, that when the House adjourn, it adjourn to meet on Monday next; which was agreed to.

Mr. PICKENS said, as the question had taken a much wider range than had at first been anticipated, he hoped he should be allowed to trespass with a few observations. He understood the gentleman who moved the consideration of the memorial did it with a view to leave open the question whether it should be considered to-day or not; and, in order to get rid of the 45th rule, as suggested by the gentleman from Virginia, [Mr. MASON,] a motion would be made to suspend it, to enable the House to take up a resolution that the petition be rejected. That seemed to be the present position of the question.

In connexion with this subject, said Mr. P., there were many interests involved. The gentleman from New York [Mr. BEARDSLEY] had alluded to the sacred right of the citizens to petition. That was unquestionable. But, as the gentleman from Virginia had well remarked, that House had also the right to reject; and Mr. P. put it to the House whether they could not do so, even if the petition were couched in respectful terms. There were, however, other interests concerned in this matter. They had even higher duties to perform than their mere duties as representatives; they had their own individual constituents in the District of Columbia; and if their rights were not to be maintained in that House, where, let him ask, would their protection be? [Mr. P. then referred to the act of cession from Virginia, which he was about to read, when the Chair interposed, and said the sense of the House must first be taken, before the discussion could be extended to the merits of the question.]

Mr. P. said then he would confine himself to what had been thrown out by the gentleman from New York. That gentleman had asked, why was it that discussion was desired upon that floor? and intimated that certain fanatics, as well in the South as in the North, desired to agitate this question. Mr. P. desired to take that opportunity to throw back the insinuation with scorn and contempt. Sir, said Mr. P., we do desire to agitate this question. We desire it, because we believe we have been foully slandered before the world; and I stand here prepared, at any time when the question shall come up, to vindicate the institutions of the people I have the honor in part to represent, from the foul aspersion and calumny thrown upon them. These are the motives which prompt us to desire discussion. He had heard some insinuations thrown out from higher quarters than the gentleman from New York, that certain gentlemen of the South, belonging to a certain party, desired the discussion of this question to advance the interests of a particular individual; and he would again repeat that it was a foul and infamous calumny, and those who uttered it knew it to be such when they uttered it.

Mr. MAY called the gentleman to order for going into the merits of the question, and was sustained by the Chair.

Mr. P. explained, that, as the discussion had already taken a wide range, it was difficult to keep within the strict rule. He had risen to express a hope that the House would suffer a direct vote to be taken on this question, and he only intended to urge another reason in favor of sustaining the motion of the gentleman from Maryland. If that motion prevailed, then, as had been suggested by the gentleman from Virginia, the question itself should be brought directly before the House for its immediate decision. These were questions in which the most momentous concerns of this confederacy were involved, and it was extremely to be desired that there should be an immediate decision on them in that House.

Mr. HAMER said, if ever there had arisen an occasion in which it was necessary to call the attention of the House to the wisdom of the 45th rule, it would be found in the discussion of this day. While this discussion continued as it was then progressing, it was very doubtful, when they came to vote upon the final disposition of this petition, whether all the members of the House would be prepared to give that vote to-day, which they might give to-morrow; and he did not believe that such a debate was exceedingly well calculated to a calm, dispassionate, and deliberate consideration of the question. He was of opinion, therefore, that, in order to disentangle (to use the words of a gentleman who had spoken to-day) ourselves from embarrasment, it would be better to adjourn; and he therefore made that motion.

Tellers were appointed, and the House refused: Ayes 98, noes 108.

Mr. HOWARD said, in order to check even himself in debate, and with a view, if he could, to obtain the opinion of the House, whether in the outset he was right or not, he would move to lay the motion of his honorable colleague, [Mr. THOMAS,] from whom it gave him great pain to differ, on the table.

Mr. JUDSON asked both the gentlemen from Maryland to accept a proposition he intended to offer, in the shape of two resolutions. First, resolved that the vote of the House just taken on the petition be, and the same is hereby, reconsidered. Second, resolved that the 45th rule of the House be suspended; and said petition being under consideration, resolved that it be, and the same is hereby, rejected. If the House would give its consent, he would move these two resolutions.

The motion being objected to, the question then recurred to lay the motion to reconsider on the table; whereupon

Mr. WISE asked for the yeas and nays, but they were not ordered.

The question was then taken by tellers, and decided in the affirmative: Ayes 119, noes 72.

So the motion to lay the motion to reconsider on the table was carried.

Mr. HAMMOND then modified his motion, in substance, as follows: Resolved that the 45th rule of this House be suspended; and resolved that the petition, &c., be, and the same is hereby, rejected.

Mr. BRIGGS inquired what was the question before the House.

The CHAIR informed the House that the motion of the gentleman from South Carolina [Mr. HAMMOND] being secondary to the motion of the gentleman from New York, [Mr. BEARDSLEY,] the question before the House was the motion to lay the petition on the table.

Mr. GLASCOCK suggested the propriety of withdrawing that motion, and taking the question on the motion to reject.

Mr. H. EVERETT asked if the effect of the motion just carried was not to lay the whole subject on the table.

The CHAIR replied that was not the effect.

Mr. MASON, of Virginia, expressed a hope that the motion to lay the petition on the table would be withdrawn, and let the question be taken on the second part of the resolution of the honorable member from South Carolina [Mr. HAMMOND] without debate.

Mr. BEARDSLEY said he could not yield his motion; for the practice of the House, for years past, had been to lay all such papers on the table, and such a disposition of them he believed to have been satisfactory to the country at large.

The yeas and nays having been ordered on the motion to lay the petition on the table, the question was so taken, and decided in the negative: Yeas 95, nays 121, as follows:

YEAS—Messrs. C. Allan, Anthony, Ash, Bailey, Barton, Beale, Bean, Beardsley, Beaumont, Bockee, Bovee, Boyd, Brown, Buchanan, Burns, Carr, Casey, G. Chambers, Chaney, Chapman, Chapin, Cleveland, Crane, Cushing, Cushman, Davis, Deberry, Dickerson, Evans, Fairfield, French, Fry, W. K. Fuller, Haley, Hamer, Hannegan, Hardin, Harlan, S. S. Harrison, Hawes, Hawkins, Howard, Howell, Huntington, Huntsman, Ingersoll, Ingham, Jarvis, J. Johnson, R. M. Johnson, B. Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, J. Lee, T. Lee, Leonard, Logan, Lucas, Job Mann, W. Mason, M. Mason, S. Mason, Miller, Montgomery, Morgan, Muhlenberg, Page, Parks, Patterson, Pierce, Phelps, Rencher, John Reynolds, Schenck, Seymour, Shepperd, Shinn, Sickles, Spangler, Sutherland, Taylor, J. Thomson, Turrill, Underwood, Vinton, Wagener, Webster, Weeks, L. Williams, S. Williams—95.

NAYS—Messrs. Adams, H. Allen, Ashley, Bell, Bond, Borden, Bouldin, Briggs, Bunch, J. Calhoon, W. B. Calhoun, Cambreleng, Campbell, W. B. Carter, Chambers, Childs, Claiborne, Clark, Coffee, Coles, Connor, Corwin, Craig, Cramer, Darlington, Doubleday, Dromgoole, Dunlap, Efner, Everett, Farlin, Forester, P. C. Fuller, J. Garland, R. Garland, Gillet, Glascock, Graham, Granger, Grantland, Graves, Grayson, Grennell, Griffin, J. Hall, H. Hall, Hammond, Hard, Harper, A. G. Harrison, Haynes, Hazeltine, Henderson, Hiester, Hoar, Holsey, Hopkins, Hubley, W. Jackson, J. Jackson, Janes, C. Johnson, H. Johnson, J. W. Jones, Judson, Lawler, Lawrence, Lay, L. Lea, Lincoln, Love, Loyall, Lyon, Martin, J. Y. Mason, Maury, May, McCarty, McComas, McKay, McKennan, McKeon, McKim, McLene, Mercer, Milligan, Morris, Owens, Parker, Patton, D. J. Pearce, J. A. Pearce, Pettigrew, Peyton, Phillips, Pickens, Pinckney, Potts, Reed, Joseph Reynolds, Roane, Robertson, Rogers, Russell, Shields, Slade, Sprague, Standefer, Steele, Storer, Taliaferro, Thomas, W. Thompson, Toucey, Towns, Vanderpoel, Ward, Washington, White, Whittlesey, Wise—121.

So the House refused to lay the petition on the table.

Mr. HAMMOND then modified his resolution as follows: Resolved, that said petition be, and the same is hereby, rejected.

Mr. HAWKINS, of North Carolina, asked for the yeas and nays; which were ordered.

Mr. HUNT apprehended, he said, that there was but one sentiment on this subject in that House; and let gentlemen extend their observation over this wide and extended country, and perceive what had been passing since this abolition question was first agitated, and they would see he was correct, that there was but one sentiment every where. He apprehended that gentlemen on all sides merely differed as to the means of effecting a general and desired end—an end they were all seeking, and which was to give quiet and composure to this republic, upon this exciting question. He would repeat, he was thoroughly convinced that the only difference of opinion that existed was with regard to the means to effect a desirable end. It had been said, that if they rejected this petition, they should give quiet to the country, and no other petitions or memorials of a like tendency would be sent there. Would this be so? If constituents chose to send their petitions to that House, would not gentlemen feel it their duty to present them? Permit him to say, that if there be any thing indecorous or disrespectful in a memorial presented there, to any member of the House, or to any member of the Government, then he understood it to be parliamentary to reject it; but if, on the other hand, the memorial be couched in respectful language, it was a right guarantied the citizens of this country by the constitution, to memorialize that House. The right he held to be a sacred one, and he could never consent to infringe upon it, even by implication.

Humble as he was, said Mr. H., it might not, perhaps, be unknown to some there, that upon this abolition question he had extended the principle so far as to go for all the gentlemen of the South contended for. He could also assure them that, among the New England men, there was but one universal and unanimous sentiment upon the subject. But to go back again to the mode of effecting the desired end, that of giving quiet and repose to this agitating question, and to this excited community, Mr. H. held ideas with regard to it, which he submitted with all due deference. He held that the quiet of the community could not be ensured by suppressing information and inquiry; but, on the contrary, both policy and expediency, and the true course they owed to their constituents, dictated that they should give to these memorials and these petitions the usual course. He would appeal to an eminent instance, within the knowledge of every one present, which did more than all the meetings on the subject, by way of putting down the fanatical zeal in regard to the Sunday mail. As long as the House laid those memorials on the tables, so long were they loaded with them, session after session; but the very moment it gave them what he conceived to be their proper direction, by referring them to a committee, which made a report thereon, that very moment the excitement was allayed, and nothing more was heard on the subject. He asked gentlemen to carry back their recollections to what the effect was upon the republic. The subject was put forever at rest; and so, he apprehended, it would be with the present, for he considered the cases analogous.

It was true, said Mr. H., the subject was an irritating one; but they, as representatives of the people, were bound to meet it. They could not shut their eyes to what was going on around them. They could not slight nor evade it; nor did he believe it was the disposition of any honorable member there to do so. The only difference in judgment appeared to him to be as to the means to effect the end. To refer, then, to the analogous case, Mr. H's own deliberate judgment was, that they should give to all these petitions the usual parliamentary course, for this was not the last, in all human probability, that would be sent there. They could not conceal from themselves the fact that the public were advised of the

existence of these memorials. They would be sent to members there; and, judging from what he felt to be his own duty, he apprehended that other gentlemen would also feel it to be their duty to present them. He asked, then, that they would show the South fairly the principles they maintained, by referring this and all similar petitions and memorials, either to the Committee on the District of Columbia, or to some special committee, with instructions to report. They did not doubt what would be the nature of the report, and he apprehended he ran no risk in pledging himself that there was not a man in that House but would give his sanction to a report that should put this question forever at rest; silence the fanatics on the one hand, and satisfy our brethren of the South on the other. He would again assure gentlemen that the feeling of the North was entirely sound and healthy on this subject. This was not the first public occasion on which Mr. H. had avowed the feelings he entertained on this question. He had avowed them on other occasions; and in the great meeting at Utica, to which allusion had been made, he had done all he could, although he took not such a prominent part as his honorable colleague over the way, [Mr. BEARDSLEY.] But to ask him to vote for the rejection of this petition, was to ask him to do what seemed to him not a proper and respectful course, if he might be permitted to use that term. With a view of enabling other gentlemen who might have similar memorials to present, to pursue the course their own sense of duty directed, and with a view of carrying out the action of the House in a way which might speak to the nation unanimously on this question, through the report of some proper committee, Mr. H. said he should be constrained to vote against the motion then under consideration. Late as it was, an enfeebled as he was, yet he would not permit his vote to be recorded on the question without briefly explaining his views.

Mr. GLASCOCK said it must be gratifying to every individual to have listened to the remarks made by the honorable gentleman from New York, [Mr. HUNT,] who had just taken his seat; and he believed it must be equally gratifying to every portion of the House to have been placed in possession of his views upon this question, though a large portion of them must differ with the gentleman in regard to the policy he thinks ought to be adopted in relation to it. The discussion that had taken place to-day, Mr. G. had no hesitation in saying, would be hailed in the South as the greatest omen that the permanency of this great and glorious Union was about to be secured; and, for one coming from that section of the country, he hesitated not to believe that the honest difference of opinion that did exist, was an honest difference of opinion only as to the manner and mode in which this question should be settled. For one, he believed the motion of the gentleman from South Carolina to be one that would be approved, at least the best approved, by that portion of the people from whom he came. He admitted it was the constitutional right of every citizen of the country to petition this and the other branch of the Legislature. It was a feature in the constitution itself, and it was an inseparable privilege, which he believed no individual who advocated this motion had pretended to deny. But he contended that, whenever the petition was brought forward, that very moment the constitutional requisite had been complied with, and it then became the duty of the House to treat it as its merits deserved. Now, he would appeal to the gentleman himself, and ask him whether there be not in that petition language which calls upon the House to frown upon it with indignation? He would ask if there be not charges in it that called for the unanimous voice of reprobation of those opposed to it? He would to God that he could act on this occasion with the gentleman; but the proper course to be pursued in relation to the petition was to reject it; and in rejecting it, he could not for himself believe that a similar petition would again be presented for the consideration of that body. With due deference to the opinions of those who represent States, some few of whom might be favorable to the principles contained in the petition, it would, in his humble conception, be virtually a disrespect to the majority, either way, who might vote to reject or to receive, afterwards to vote to lay it on the table; and he wished, therefore, to avoid this by bringing the question at once and directly to bear upon the motion to reject it.

But there was another reason, which he would suggest to the consideration of the House. They would not be deprived of meeting the question fully, freely, and deliberately, hereafter. What did the President recommend in his annual message? He recommended to the consideration of that House the prohibition of, or some law to prevent, the circulation of these incendiary publications through the Post Office Department. Then they would have an opportunity of expressing fully their views in relation to this matter. It was then he expected again to hear the voice of that gentleman in vindication of the views he had now taken. Then he trusted they would have but one voice throughout that House; and when that vote should be received, the South would be secure in their lives, their property, and their rights. It would be then they might say this republic is safe; then every thing like disunion would be quieted, and, he trusted, forever.

Mr. SUTHERLAND believed, he said, that no man in that House, who had known him for any length of time, could doubt his feelings upon this question. He came from a section of country that was exceedingly anxious to allay, as far as possible, all kinds of excitement upon a question so agitating to the South. He came there prepared, as far as he could, to vote upon that question; and he trusted that, when the time came to meet it, it would be met in a manner the great interests connected with it demanded. But he would say, in advance, that he was not quite satisfied with some of the feelings expressed from certain quarters of this country to-day in that House. They were bound by all the ties that kept the Union together to meet this question freely and boldly, to throw aside every prejudice, and sacrifice it upon the altar, for their country's good; and it did not become them to excite each other by any kind of language.

Mr. S. lived in a State, he said, once a slaveholding State, and which had been one of the first to abolish slavery, having found it expedient to start early in this question. He lived in a State, too, where they as sincerely and honestly regarded the rights of the South as any other State in the Union. And he came especially from a district that he knew—and if he could use stronger language he would—that he knew utterly despised and detested the whole question of a prompt and speedy abolition of slavery in the South. He knew that he spoke their voice when he said he was prepared to go all the lengths that honor and justice should require at his hands. While he admitted so much, he also looked at this: that the constitution guarantied to us all the right to send our petitions to that House. But he went further, and took the other side of the question: that if that petition be not draughted in the style in which it ought to be, or if it be even inflammatory in its nature, and calculated to excite the feelings, why, then, he would throw it out, because they were assembled there fairly and dispassionately to meet this question. He would neither allow the high feelings of the South to disturb him in his judgment, nor the high feelings of the North, who were some of them anxious to run all

lengths, and some of them to cast the firebrand of slavery and abolition into that House. Now, on the question under consideration, he went with the gentleman from Georgia, [Mr. Glascock,] that if there was any thing in that paper that did not comport with the dignity and respect of the House, vote for its rejection, come from where it might. But, at the same time, Mr. S. always held himself bound to vote for every petition sent there in a proper style and language, on any and every question, be it what it might, from any quarter of the nation.

Mr. S. did not rise, he said, so much with a view of making these remarks, but to state a fact of which the House was probably not aware before the last vote was taken on this question. He would state to the House that it had already, that day, that very morning, referred a memorial upon this very question to the Committee on the District of Columbia; and the Chair would state whether he was correct or not.

The SPEAKER stated the fact to be so, and that he had conferred with the gentleman from Massachusetts [Mr. Briggs] who presented the petition, informing him that it was the intention of the Chair to call the attention of the House to it. It was doubtless through inadvertence that the members of the House did not generally hear it; but the Chair intended to have made a statement of the fact to the House, and he so informed the mover.

Mr. HAMMOND said the presentation of the petition had escaped him, or he should have made the same motion with regard to that, which he did with reference to the other.

Mr. PATTON then moved to reconsider the vote by which the memorial presented by Mr. Briggs was referred.

Mr. BRIGGS suggested it would be better to postpone the consideration of it till the one before the House to-day was disposed of; which was agreed to.

Mr. EVERETT moved that the House adjourn.

Mr. HAWKINS called for the yeas and nays, but the House refused to order them; and tellers being appointed, the ayes were 120, noes not counted.

So the House adjourned till Monday.

Monday, December 21.

SUFFERERS BY FIRE IN NEW YORK.

Mr. CAMBRELENG rose, he said, to throw himself on the indulgence of the House, for the purpose of asking what he was sure would be granted—the unanimous consent of the House to report a bill from the Committee of Ways and Means, for the relief of the sufferers by the late fire in the city of New York.

Mr. JARVIS moved a suspension of the rule, so as to permit any of the committees to make reports; and it was agreed to.

Mr. CAMBRELENG, from the Committee of Ways and Means, then presented the following correspondence, report, and bill:

Treasury Department,
December 19, 1835.

Sir: I enclose, herewith, a copy of a communication received this morning from the collector of the customs at New York, and of my reply to it; and I venture to express a hope that all due indulgence will be extended by Congress to the sufferers who are indebted to the United States.

I remain, very respectfully,
Your obedient servant,
LEVI WOODBURY,
Secretary of the Treasury.

The Hon. C. C. Cambreleng,
Ch. Com. of Ways and Means.

Collector's Office, half past 2 o'clock,
New York, December 17, 1835.

Dear Sir: Last night, between eight and nine o'clock, a fire broke out near the merchants' exchange, and is still raging most violently, although the firemen have got it under control. By this disastrous visitation, between four and five hundred buildings have been destroyed, and goods and other effects to the amount of from fifteen to twenty millions of dollars. This calamity falls principally upon the heavy importing merchants; and they must unquestionably become greatly embarrassed, and many of them ruined.

The bonds of these individuals must be dishonored; all business is suspended, and our city, from being the seat of prosperity and wealth, within twenty-four hours, is now the abode of sorrow and despondency. It was thought, at first, that the bonds which should not be paid, owing to the consternation and confusion which prevail at present, might be held subject to your decision upon the matter; but, upon more mature reflection, I have determined that I cannot, in any way, or under any circumstances, deviate from the course laid down by the law. Consequently I shall hand them over to the district attorney, as usual, trusting and believing that Congress will forthwith take some action on the subject of this heavy calamity.

The merchants' exchange and post office being destroyed, I have caused temporary accommodations to be erected in the inspector's rooms, attached to this office, for the accommodation of the latter, until better can be procured elsewhere. The effects of the post office were all saved from injury.

This office was in the greatest danger for a long time, as was one half of the city. But I did not remove an article, but was prepared to save every thing had it been necessary.

I am, dear sir, with the greatest respect,
Your obedient servant,
SAMUEL SWARTWOUT, *Collector.*

Hon. Levi Woodbury,
Secretary of the Treasury, Washington, D. C.

From the Secretary of the Treasury to the Collector at New York.

Treasury Department,
December 19, 1835.

Dear Sir: Your letter of the 17th instant, communicating the disastrous intelligence concerning the late fire in the city of New York, has been received.

I hardly need assure you that, under this great calamity, your citizens shall have extended to them, from this Department, every indulgence which their misfortunes require, and which the laws and official duty will permit me to render.

I therefore approve of your course in furnishing temporary accommodations for the post office, and have sanctioned the proposal of the marshal to tender also for the same purpose the use of the rooms in the City Hall now occupied by the United States courts.

In respect to delay in the collection of bonds, or to remissions or reductions of duties in certain cases, they both deserve very favorable consideration. But as you remark concerning your own power about the former, it may be added as to my power about both, that the acts of Congress now give me no control over the subject. I do not doubt, however, that the subject will be taken up by Congress on Monday, and some expression of its views soon given, and, in the mean time, I do not hesitate to believe that you and the district attorney would be sustained and justified if, in the exercise of a sound discretion under this afflicting emergency, you

did not press the collection of bonds in all cases, where the public security would not be impaired by a short delay, and where the parties are in a situation which would probably cause Congress to extend to them some relief.

With much sympathy and regard,

I am your obedient servant,

LEVI WOODBURY,

Secretary of the Treasury.

SAMUEL SWARTWOUT, Esq.

P. S. The Solicitor of the Treasury will be requested to write to a similar effect to-day to the district attorney, in regard to the bonds.

The Secretary of the Treasury having transmitted to the Committee of Ways and Means a letter from the collector of the port of New York, giving an account of the late disastrous conflagration at that place, and representing the entire suspension of credit and prostration of trade, the committee respectfully submit the following report:

Deeply sympathizing with the immediate and several sufferers by a great national calamity, the Committee of Ways and Means lost no time in considering the communication of the Secretary of the Treasury. The disaster is of an unparalleled character, and its consequences must be felt by every interest and every quarter of the Union. An exercise of all the constitutional powers of the Federal Government is in this instance demanded, not only by the highest considerations of national policy and justice, but prompt measures are essentially necessary to the collection of the revenue in every part of the Union to the public interest in every branch of the national expenditure, and to arrest, or at least to diminish, the calamitous effects of the late conflagration on all interests, and in every section of the country.

In considering what measures were best calculated to moderate the shock upon the trade, revenue, and industry of the country, three propositions were suggested, viz: the extension of the credit on bonds due from those who have suffered by the late fire, three, four, and five years—placing the vast surplus revenues of the country where they may be more actively and extensively employed, in our cities, in extending relief to the embarrassed and impoverished debtors of Government, and remitting the duty on all merchandise destroyed in original packages. The committee submit a bill embracing the first two propositions. The first provision is in accordance with the practice of Government heretofore; the second, while it will most extensively relieve the immediate wants of trade, and aid in reviving the energies of the commercial capital of the Union, cannot diminish in any manner the security of Government, or embarrass the operations of the Treasury. The question of remitting duties on property destroyed was also considered by the committee, but appearing to require previous examination and more deliberation, and not wishing to delay the proposed measures of relief, it was not finally acted on.

A BILL for the relief of the sufferers by fire in the city of New York.

Whereas various persons are indebted to the United States for duties on merchandise, for which bonds have been given, with one or more sureties, payable to the collector for the district of New York, and the said persons have suffered a loss of property by the late conflagration at that place,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collector of the port of New York be, and he is hereby, authorized, as he may deem best calculated to secure the interests of the United States, to cause to be extended (with the assent of the sureties thereon) the time of the payment of all bonds heretofore given for duties as aforesaid, to periods not exceeding an average of three, four, and five years; or to allow the said bonds to be cancelled upon giving to the said collector new bonds, with one or more sureties, to the satisfaction of the said collector, for the sums of the former bonds, respectively payable in average periods of three, four, and five years, from and after the day of payment specified in the bonds to be taken up or cancelled as aforesaid. And the said collector is hereby authorized and directed to give up or cancel all such bonds upon the receipt of others described in this act; which last-mentioned bonds shall be proceeded with, in all respects, like other bonds which are taken by collectors for duties due to the United States: *Provided, however*, That nothing in this act contained shall extend to bonds which had fallen due before the 17th day of the present month.

SEC. 2. *And be it further enacted by the authority aforesaid*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer to such banks as he may select any surplus moneys of the Government, or any part thereof, which may not be required for the public service, and to permit the same to remain in such banks for twelve months from the passage of this act.

After the reading of this bill, Mr. CAMBRELENG said there was another subject before the committee which was not definitively acted on, viz: the remission of duties on goods destroyed, which required more examination and deliberation. This subject was brought before the committee by the letter from the Secretary of the Treasury, transmitting letters from the collector of the port of New York. He would not detain the House by any remarks on the subject now, and merely remarking that it was with infinite regret, for the cause of it, that he found himself called upon, as the first act in his new situation, to bring in a bill of this description, he would ask the indulgence of the House to take up the subject to-morrow.

The bill was read twice, and committed to the Committee of the Whole on the state of the Union.

Mr. McKEON hoped, he said, that the bill would be acted on speedily, and the committee would soon report on the proposition to remit the duties.

Mr. CAMBRELENG stated, as the bill was in the Committee of the Whole on the state of the Union, it could be taken up at any time after the papers were printed.

SLAVERY IN THE DISTRICT OF COLUMBIA.

The House resumed the consideration of the petition from sundry inhabitants of the town of Wrentham, in Massachusetts, praying the abolition of slavery and the slave trade in the District of Columbia.

The motion to reject the petition still pending,

Mr. OWENS rose to address the House; but

Mr. PINCKNEY expressed a hope that the subject would be suspended, in order to present petitions and memorials.

Mr. OWENS said he would with great pleasure accede to the wish of the gentleman from South Carolina, if the matter itself was not a matter of very great import. He rose for the purpose of endeavoring to reconcile the conflicting opinions of gentlemen on all sides, and to submit certain propositions, which, he trusted, if the House would accept, would put to rest this agitating, delicate, and dangerous question. It was useless for him to regret that this question had been brought before the House. It was useless to regret that this question had been the subject of discussion. The apple of discord had been thrown into the House. It had not been done by the South. But it was there, and the House

must meet it—the House must handle it. But he did regret—he deeply deplored—the manner in which the debate on it had been conducted. It was not calculated to do any good, but was well calculated to produce anti-social as well as hostile feelings. Nor did he agree with some gentlemen in their remarks that the South asked no aid from the North. On the contrary, he would say that the South did ask aid from the North, and the North wanted aid from the South. Their wants were reciprocal, and it was these wants that produced our confederacy. It was these wants that had cemented our Union; and it was the increase of these wants that would give perpetuity—nay, immortality—to it. The propositions he wished to submit to the House, he did trust, and confidently believed, the honorable mover of the original proposition would accept and support, and that the House itself would give a warm and cordial support. The propositions he intended to submit were couched in language as strong, if not stronger, than the original motion, and they were more extended in their operation. It was not to meet the question on this petition alone, but to meet the question, come in what shape it might. It was to operate upon all petitions that might come with the same tendency or object; nay, in one word, it was to grapple with the subject itself. He perfectly agreed with the advocates of the original motion, that this was a measure that required a bold, a prompt, and decisive expression of opinion from that House. The South required it; the country required it. It could not be blinked. It could not be evaded by legislative finesse. It ought not to be eluded by technical objections. He therefore reiterated that he confidently expected those gentlemen, as lovers of their country, and well-wishers of the peace and safety of the land, would support his resolution with warmth. He had, also, no doubt that those gentlemen whose sense of delicacy suggested constitutional objections to the rejection of petitions, would support the propositions he should have the honor to submit to the House, because they would find that these propositions were free from that objection. He admitted, in the fullest latitude, the constitutional right to petition, what was termed the sacred right of petitioning, but he hoped he might add, without offence, that, from the evidence he had of its abuse, a good man might doubt whether the good compensated for the evil, if the evil were not temporary, and the good permanent and lasting. There was another class of individuals to whom he would address himself. It was those who, in all probability, would be for the principles contained in the petition.

To those gentlemen he would say, not assuming the character of a lecturer, but as their associate, that admitting the constitutional right to act upon this subject, which he denied, he would tell those gentlemen that right was not an abstract position and unqualified term; that, in the exercise of every right, there were corresponding duties; and that the first duty of an American statesman, of an American legislator, was to look to the welfare of the people and to the integrity of the republic; he would say to them that, in discussing this, or any other question of a national and political character, they must not examine it with the warm imagination of an enthusiast, with the characteristic tenderness of the philanthropist, nor with the cold calculations of the philosopher, but as statesmen, looking at it in all its bearings; and if they were satisfied in their consciences that it was not calculated to benefit the republic, they ought not to legislate upon it. If gentlemen would turn their minds upon this subject, he was satisfied they would have no hesitation as to their course. If the propositions he should have the honor to submit to the House be acceded to by a triumphant majority, he had no hesitation in saying that it would be considered by the country as the harbinger of peace, the rainbow that would dissipate the clouds and darkness now resting on the land. With these views, and under the operations of these feelings, he would move the House to lay the original proposition of the gentleman from South Carolina [Mr. Hammond] on the table, together with every matter connected with it, so as to enable him to submit his propositions to the House.

Mr. OWENS then sent the following resolutions to the Chair, which were read.

Resolved, That, in the opinion of this House, the question of the abolition of slavery in the District of Columbia ought not to be entertained by Congress.

And be it further resolved, That in case any petitions praying the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of this House that the same ought to be laid on the table without reading.

Mr. OWENS expressed the hope that the resolutions would be accepted by the gentleman from South Carolina, in lieu of his motion to reject the petition.

Mr. HAMMOND was very sorry, he said, that he could not accept the proposition, and he hoped the gentleman from Georgia would withdraw his motion.

Mr. WISE proposed to amend the first resolution by adding, "because Congress has no power to legislate on it under the constitution of the United States;" and to amend the second by striking out all after the word "*Resolved*," and inserting, "that this House will not receive any future memorials on that subject;" adding that with these modifications, he would vote for the resolutions.

Mr. OWENS declined the acceptance of the amendments as modifications of his resolutions.

Mr. PATTON asked what would be the consequence of laying the motion on the table? Would the resolutions of the gentleman from Georgia then be in order?

The CHAIR replied that they would not. It would be in order to move to suspend the rule, to allow him to move them, or, when the States were called for resolutions, they might be offered without suspension of the rule.

Mr. J. Q. ADAMS rose to inquire what was the state of this question; and he asked from confessed ignorance of what the question was. On the last day, when the subject was debated, such a variety of motions was following each other in rapid succession, and apparently without object or order, that he had entirely lost the train of them. A memorial for the abolition of slavery and the slave trade, in the District of Columbia, was presented by an honorable colleague of his, [Mr. Jackson,] who moved its reference to the Committee on the District of Columbia, or a select committee.

The SPEAKER here reminded the gentleman that the motion before the House allowed of no discussion, and said he would state the question.

Mr. ADAMS asked if a similar petition, presented by another of his colleagues, was not, on the same day, referred to the Committee on the District of Columbia, and whether the subject was not, therefore, actually before that committee.

The SPEAKER replied in the affirmative; but stated that a motion to reconsider the vote of reference was pending. He would now state the question, for the information of the House. A memorial was presented, and three motions made in regard to it: one to commit, another to lay on the table, and a third to reject. The motion now before the House was to lay the petition, and all the motions pending in reference to it, on the table.

The question being taken on the motion to lay the petition, and all the motions relating to it, on the table, it was decided in the affirmative: Yeas 140, nays 76, as follows:

YEAS—Messrs. Chilton Allan, Anthony, Ashley, Barton, Beale, Bean, Beardsley, Beaumont, Bockee, Boon, Bovee, Boyd, Brown, Buchanan, Burns, Cambreleng, Carr, Carter, Casey, George Chambers, Chaney, Chapman, Chapin, Cleveland, Coffee, Coles, Craig, Cramer, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Efner, Fairfield, Farlin, Forester, French, Fry, William K. Fuller, Galbraith, James Garland, Gillet, Grantland, Graves, Haley, Hamer, Hannegan, Hardin, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Samson Mason, May, McComas, McKeon, McKim, McLene, Mercer, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Franklin Pierce, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shinn, Smith, Spangler, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Turrill, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks, Lewis Williams, Sherrod Williams—140.

NAYS—Messrs. Adams, Heman Allen, Bailey, Bell, Bond, Borden, Bouldin, Briggs, Bunch, William B. Calhoun, Campbell, John Chambers, Childs, Claiborne, Clark, Connor, Crane, Cushing, Darlington, Denny, Dunlap, Evans, Everett, Fowler, Philo C. Fuller, Rice Garland, Glascock, Graham, Granger, Grayson, Grennell, Griffin, Joseph Hall, Hiland Hall, Hammond, Hard, Harper, Hazeltine, Hiester, Hoar, Hunt, William Jackson, Janes, Henry Johnson, Lawler, Lawrence, Lay, Luke Lea, Lincoln, Love, Maury, McCarty, McKay, McKennan, Milligan, Morris, Parker, Patton, Dutee J. Pearce, James A. Pearce, Pettigrew, Pickens, Potts, Reed, Robertson, Russell, Shields, Slade, Sloane, Sprague, Standefer, Storer, Waddy Thompson, White, Whittlesey, Wise—76.

So the petition, and all the motions depending thereon, were ordered to lie upon the table.

Mr. OWENS moved that the rules of the House be suspended, in order to allow him to offer the resolutions he had already indicated to the House; on which he asked for the yeas and nays, and they were ordered.

The question being taken, it was decided in the negative: Yeas 100, nays 115, as follows:

YEAS—Messrs. Barton, Bean, Beardsley, Boon, Boyd, Burns, Cambreleng, Campbell, Chaney, Claiborne, Cleveland, Coffee, Coles, Connor, Cramer, Cushman, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Farlin, Forester, French, Fry, W. K. Fuller, James Garland, Rice Garland, Gillet, Glascock, Graham, Grantland, Graves, Grayson, Griffin, Joseph Hall, Hamer, Hammond, Hannegan, Albert G. Harrison, Hawkins, Haynes, Holsey, Hopkins, Howard, Huntington, Huntsman, Jabez Jackson, Jarvis, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Lansing, Joshua Lee, Luke Lea, Loyall, Lucas, Lyon, Abijah Mann, Martin, John Y. Mason, William Mason, May, McKay, McKeon, McKim, McLene, Mercer, Montgomery, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Pickens, Pinckney, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Seymour, William B. Shepard, Shields, Storer, Taylor, Thomas, Waddy Thompson, Toucey, Towns, Turrill, Vanderpool, Ward, Weeks, Wise—100.

NAYS—Messrs. Adams, C. Allan, H. Allen, Anthony, Ashley, Bailey, Beale, Beaumont, Bell, Bockee, Bond, Borden, Bouldin, Bovee, Briggs, Brown Buchanan, Bunch, W. B. Calhoun, Carr, Carter, Casey, George Chambers, John Chambers, Chapin, Childs, Clark, Craig, Crane, Cushing, Darlington, Davis, Denny, Evans, Everett, Fairfield, Fowler, Philo C. Fuller, Galbraith, Granger, Grennell, Haley, H. Hall, Hard, Hardin, Harlan, Harper, Samuel S. Harrison, Hazeltine, Henderson, Hiester, Hoar, Howell, Hubley, Hunt, Ingersoll, Ingham, W. Jackson, Janes, J. Johnson, R. M. Johnson, Judson, Kilgore, Kinnard, Klingensmith, Lane, Laporte, Lawler, Lawrence, Lay, Thomas Lee, Leonard, Lincoln, Logan, Love, Job Mann, M. Mason, S. Mason, Maury, McCarty, McComas, McKennan, Miller, Milligan, Morgan, Morris, Parker D. J. Pearce, Phelps, Potts, Reed, Rencher, John Reynolds, Russell, Schenck, A. H. Shepperd, Shinn, Slade, Sloane, Smith, Spangler, Sprague, Standefer, Sutherland, Taliaferro, J. Thomson, Underwood, Wagener, Wardwell, Washington, Webster, White, Whittlesey, L. Williams, S. Williams—115.

So the House refused to suspend the rule. [Two thirds of the members present would have been necessary to carry that question.]

Mr. PATTON called up the motion made by him on Friday last, to reconsider the vote of the House by which a petition for the abolition of slavery in the District, presented by a gentleman from Massachusetts, [Mr. BRIGGS,] was referred to the Committee on the District of Columbia.

The motion having been taken up—

Mr. PATTON rose and addressed the House as follows:

He said that the vote which had been just taken against suspending the rules for the purpose of taking up the resolution offered by the gentleman from Georgia, [Mr. OWENS,] must have convinced the House, and especially those gentlemen from the South who had voted for laying the former petition on the table, inconsistently with their vote on Friday last upon the same proposition, of the futility of any such scheme as had been proposed for procuring a direct vote of the House upon the principles involved in the petitions that had been offered, and would continue to be offered, praying the abolition of slavery in the District of Columbia. Those with whom he felt and acted on this question gave this apparently inconsistent vote under the belief that there would be no difficulty in suspending the rules to take up the proposition of the gentleman from Georgia. They so calculated, and were deceived or mistaken. I, said Mr. P., had no confidence in such calculation, and was not mistaken. That vote, said Mr. P., I think, has further demonstrated that it is idle to attempt to avoid this subject by any parliamentary manœuvre, and that the only way of obtaining a direct vote upon the great and interesting questions embraced by them, is by making a proposition presenting the question growing out of the petitions in connexion with the petitions themselves.

Mr. Speaker, it is necessary that this House should be apprized and fully impressed with the necessity of quieting the anxiety, the agitation, and the alarm for the institutions of the country, which are abroad in the land, and that as the means, perhaps the only means, of doing so, it should meet those questions directly, and dispose of them decisively and permanently. I am ready to meet these questions; and I believe I express the universal sentiment of the representation from the South, in saying they are ready to meet it; and while we do not desire discussion, and for one I will do nothing to provoke it, at the same time we will not, we cannot, we dare not, shrink from it, if it be forced upon us from other quarters. I prefer voting upon the questions at once, and without discussion, if possible. If this subject must be discussed, it ought to be discussed, and it

is hoped will be discussed, in the spirit which ought to characterize members of the same political family, and alike imbued with the patriotic purpose of rendering permanent this great and glorious Union.

Let the vote referring this petition be reconsidered, a reference made by inadvertence, and then the petition will be open again for consideration; and, in connexion with it, let the principles involved in the petition be presented for the consideration and decision of the House in some form, which will show distinctly and unequivocally that a majority of the representatives of the people of the North, as well as of the South, are opposed to the schemes of the abolitionists, and also to the efforts which are making to interfere with the subject of slavery in the District of Columbia. Let it be shown, if it be so, that there is such a majority opposed to an interference with slavery in this District, not upon considerations merely temporary, and influenced by existing political circumstances, but upon those high and paramount considerations which belong to the great rights of property, as well as individual and political safety, which are connected with it.

My own strong, abiding, and confiding opinion is, that this Government has no right to abolish slavery in the District of Columbia. But, sir, I am aware of the difficulties which exist in the minds of many gentlemen from the North on this question. It is, perhaps, rational that they should, from their position, their habits of thinking, and their prejudices, entertain more difficulty on this subject than we do. I feel every disposition to respect their opinions, and to make great allowance even for their prejudices. Give us, then, a distinct, unequivocal, and unevasive vote upon the propriety of interfering with the subject of slavery in the District of Columbia. Satisfy us that the House is opposed to such interference upon the grounds of principle, permanent, abiding, which reach above, and go beyond, the transient and fleeting circumstances of the hour, and uninfluenced by the existing political contests of the day.

Do this, and I care nothing about discussing or deciding the constitutional question. I will not quarrel about what will then be a mere abstraction. A declaration of the conviction of the House, that they will not, and that Congress ought not, to interfere in this matter, now or hereafter, will satisfy the people of the South, and especially the States of Virginia and Maryland, who are more especially interested in the question. It should be known, it is not disguised—it would be mere affectation to attempt to conceal the fact—that there does exist in many parts of the southern country a strong apprehension, I will not say suspicion, that there are some, here and elsewhere, who are indisposed to meet this question fairly and directly;

"That palter with us in a double sense."

[The Chair here remarked that the gentleman from Virginia would be pleased to remember that it was not proper to discuss the merits of the petition upon the motion to reconsider.]

Mr. P. resumed. I was not, Mr. Speaker, discussing the merits of the question; and I am sure that the Chair, on reflection, as well as the House, will do me the justice to remember that I have not said one word, in the way of argument, on the merits of the question involved in the petition. I am urging the propriety of reconsideration, so that we may have a direct vote upon these principles, and, if need be, discuss them. I repeat, then, and I say it for no purpose or wish to arouse the feelings, to influence the pride, or rouse the resentment of any gentleman here, that there does exist an apprehension that there are some who wish to evade this question, and who seem to be with us, while they are in truth against us; "that keep the word of promise to the ear, and break it to the hope."

It is necessary, in every point of view, to have a direct vote on this question. Let such a decision be made, as I trust and am willing to believe there will be, from the votes heretofore taken, and the present excitement of the country will be allayed. So far as this subject is concerned, the South will repose again in the confidence that this most essential and vital interest of theirs will not be disturbed and made the subject of perpetual and angry conflict. Let it be sure that the efforts made by these petitions will not be entertained by Congress, now nor hereafter, and you will at once calm the troubled waters of agitation. Refuse to do it, and you incur the risk of aggravating that excitement into a storm which may shake the pillars of the confederacy to their deepest foundation.

Mr. ADAMS rose and said he hoped the motion to reconsider this vote would not prevail; and he expressed this hope for the very reason which the gentleman from Virginia [Mr. Patton] had assigned for voting in favor of the motion. It appears to me (said Mr. A.) that the only way of getting this question from the view of the House and of the nation, is to dispose of all petitions on the subject in the same way. This is not a new opinion; I assumed this position in my very first act as a member of this House, from the very time when I first took my seat as a member of the 22d Congress. At that time fifteen petitions were transmitted to me, not from my own constituents, but from citizens of the Society of Friends in the State of Pennsylvania, with a request that I would present them to the House. Sir, I did so in homage to the sacred right of petition—a right which, in whatever manner it may be treated by other members of this House, shall never be treated by me other than with respect.

But, sir, not being in favor of the object of the petitions, I then gave notice to the House and to the country, that upon the supposition that these petitions had been transmitted to me under the expectation that I should present them, I felt it my duty to say I should not support them. And, sir, the reason which I gave at that time for declining to support them was precisely the same reason which the gentleman from Virginia now gives for reconsidering this motion—namely, to keep the discussion of the subject out of the House. I said, sir, that I believed this discussion would be altogether unprofitable to the House and to the country; but, in deference to the sacred right of petition, I moved that these fifteen petitions, all of which were numerously signed, should be referred to the Committee on the District of Columbia, at the head of which was, at that time, a distinguished citizen of Virginia, now, I regret to say—and the whole country has occasion to regret—no more. These petitions were thus referred, and, after a short period of time, the chairman of the Committee on the District of Columbia made a report to this House, which report was read, and unanimously accepted; and nothing more has been heard of these petitions from that day to this. In taking the course I then took, I was not sustained by the unanimous voice of my own constituents; there were many among them, persons as respectable and as entitled to consideration as any others, who disapproved of the course I pursued on that occasion.

Attempts were made within the district I then represented to get up meetings of the people to instruct me to pursue a different course, or to multiply petitions of the same character. These efforts were continued during the whole of that long session of Congress; but, I am gratified to add, without any other result than that, from one single town of the district which I had the honor to represent, a solitary petition was forwarded

before the close of the session, with a request that I would present it to the House. Sir, I did present it, and it was referred to the same Committee on the District of Columbia, and I believe nothing more has been heard of it since. From the experience of this session, I was perfectly satisfied that the true and only method of keeping this subject out of discussion was, to take that course; to refer all petitions of this kind to the Committee on the District of Columbia, or some other Committee of the House, to receive their report, and to accept it unanimously. This does equal justice to all parties in the country; it avoids the discussion of this agitating question on the one hand, and, on the other, it pays a due respect to the right of the constituent to petition.

Two years afterwards, similar petitions were presented, and at that time an effort made, without success, to do that which has now been done successfully in one instance. An effort was made to lay these petitions on the table; the House did not accede to the proposition: they referred the petitions as they had been before referred, and with the same result. For, from the moment that these petitions are referred to the Committee on the District of Columbia, they go to the family vault "of all the Capulets," and you will never hear of them afterwards.

At the first session of the last Congress, a gentleman from the State of New York, a distinguished member of this House, now no longer here, which I regret to say, although I do not doubt that his place is well supplied, presented one or more petitions to this effect, and delivered a long and eloquent speech of two hours in support of them. And what was the result? He was not answered: not a word was said, but the vote of the House was taken; the petitions were referred to the Committee on the District, and we have heard nothing more of them since. At the same session, or probably at the very last session, a distinguished member of this House, from the State of Connecticut, presented one or more petitions to the same effect, and declared in his place that he himself concurred in all the opinions expressed. Did this declaration light up the flame of discord in this House? Sir, he was heard with patience and complacency. He moved the reference of the petitions to the Committee on the District of Columbia, and there they went to sleep the sleep of death. Mr. ADAMS, speaking from recollection, was [the Reporter is requested by him to state] mistaken with respect to the reference of the petitions presented at the last session of Congress to the committee. They were then for the first time laid on the table, as was the motion to print one of them. At the preceding session of the last Congress, as at all former times, all such petitions had been referred to committees and printed when so desired. Why not adopt the same course now? Here is a petition which has been already referred to the Committee on the District of Columbia. Leave it there, and, my word for it, sir, you will have just such a result as has taken place time after time before. Your Committee on the District certainly is not an abolition committee. You will have a fit, proper, and able report from them; the House, *sub silentio*, will adopt it, and you will hear no more about it. But if you are to reconsider the vote, and to lay these petitions on the table; if you come to the resolution that this House will not receive any more petitions, what will be the consequence? In a large portion of this country every individual member who votes with you will be left at home at the next election, and some one will be sent who is not prepared to lay these petitions on the table.

What will be the next consequence? Sir, you will have discussion; and, to my regret I say it, discussion has been called for and challenged upon this floor. It has been challenged. And what will the discussion amount to? A discussion upon the merits of slavery. Sir, on such a discussion every speech made by a Representative from the north of Mason and Dixon's line, in this House, will be an incendiary pamphlet, and what will you do with them? The speeches of my colleagues, probably of myself, will be incendiary; because, if discussion is thrust upon us, I doubt not I might make a speech as incendiary as any pamphlet upon which such torrents of denunciation have been poured upon us. If I were capable of the craven and recreant spirit of shrinking from expressing, not probably so much my own sentiments as those of my constituents, I should go home to their scorn, and they would send here a man who would represent them more faithfully.

Well, sir, what becomes of these incendiary pamphlets, the speeches in this House, if they go to the public? What will be done with them by the public press? The newspapers report these speeches; every speech is circulated through your whole country; and how can you arrest it? Will you introduce a resolution that members of this House shall not speak a word in derogation of the sublime merits of slavery? You must have a resolution of this kind, to follow the one laid upon your table this morning—a resolution that no member of this House shall dare to utter an incendiary sentiment! And what is that incendiary sentiment? Why, it is, in substance, the contents of these pamphlets. Well, sir, you begin with suppressing the right of petition; you must next suppress the right of speech in this House; for you must offer a resolution that every member who dares to express a sentiment of this kind shall be expelled, or that the speeches shall not go forth to the public—shall not be circulated. What will be the consequence then? You suppress the right of petition; you suppress the freedom of speech; the freedom of the press, and the freedom of religion; for, in the minds of many worthy, honest, and honorable men, fanatics, if you please so to call them, this is a religious question, in which they act under what they believe to be a sense of duty to their God; and, however erroneous may be their conclusions, it is not for me, nor for this House, to judge them. Therefore, sir, in deference to what has been heretofore the usage of this House, in deference to the respect which is due to the right of petition, and the respect which is due to the right of freedom of speech, freedom of the press, and freedom of religion, I hope that this petition will be left where it has been placed by the House, in the possession of the Committee on the District of Columbia, and that we shall hear no more about it.

Mr. BOULDIN said he had for many sufficient reasons for a long time entertained the most profound respect for the gentleman last up, [Mr. ADAMS, of Massachusetts,] and for no one thing more than for what he had always been informed and believed in relation to this same subject, now before the House. He had been informed by his predecessor, [Mr. Randolph], of whom the world knew far more than he could tell them, that the gentleman had at all times paid the most delicate and tender regard to our rights and our interest, as well as our feelings, upon this subject. He had ever remarked the same sacred and inviolate regard paid to it by him since he (Mr. B.) had the honor of a seat on this floor. He would be obliged to depart from him a little on this occassion, not so much that he had an objection of himself to referring the subject-matter to the committee, were there nothing in the petition but a naked request that we should abolish slavery in the District of Columbia, as on account of certain other matter that is in it. He had on another day expressed his willingness to meet the question flatly, and that his constituents should know all he knew in relation to it; but in deference to

his brethren from the South—a deference he had always felt, and would feel, and would act under, in some good degree, he had not insisted, both sessions he had had the honor of a seat in that House, on coming directly to the question, and putting the South in possession of all that was contained in those petitions.

Mr. B. said he did not know how the House could get at the contents of a petition without reading it, and if all the South would accord with him, and could see as he did, were one of the petitions presented with nothing but the petition--nothing insulting to the South—he would be willing to refer it to the Committee on the District of Columbia, of which he had the honor to be a member. But, while the preamble contained slurs on the South, he never could again, he trusted, sit patiently and hear abuse of his constituents, direct or indirect, referred to a committee of that House for consideration. He would ask the gentleman from Massachusetts if there was any thing abusive in the petitions referred to the committee and reported on? If he heard the petition read rightly, there were many disrespectful slurs thrown over the people of the South.

Mr. Briggs said he thought it likely the gentleman from Virginia labored under a mistake; and if he would yield the floor for a few moments, for the petition was very short, Mr. B. would ask the House to have it read, which had not been done at the time of its presentation.

Mr. Bouldin had understood, he said, that they were all from one printed copy, and took it for granted it was word for word with the one that had, in some sort, been under debate. He would, then, rather hear it read.

The petition was then read by the Clerk.

Mr. B. continued. He was pleased to find it not as bad by any means as the other. Yet it contained nearly the same in substance. All that was contained in this petition in relation to trading in human flesh, applied to this District, applied also with equal force to Virginia. All these petitions took a swaggering stand over the South, and proposed a kind of guardianship over their morals, and were dreadfully afraid that holding negroes had made us vastly corrupt, and would make us more so. Let him that is without fault cast the first stone. "We thank God that we are not as other men, whoremongers and adulterers." This was the language of these petitions, all of them. They might and did have a little thin gauze over them, such as this: They did not presume to dictate to the South—they did not mean to disparage their sister States, or dictate to them. But the acts they do are such as to call down the vengeance of Heaven upon them. Comparisons were drawn, express or implied. He had no idea of imitating these petitioners, and swaggering over the North; but who first made traffic of human flesh, and made profit by bringing the negroes here? and who expects to be paid for carrying them back? Now, both have a name over the Atlantic, where we are known only by character. Did these petitioners ever hear of a man's suffering merely by its being made known that he came from a State in this Union south of Mason and Dixon's line? Did any man ever hear or know of a nation of people on any side of Mason and Dixon's line that stood higher for any of the cardinal virtues—honor, truth, justice, and charity, gentleness of heart, and honesty? Was it thought that we would suffer by a comparison with the petitioners?

The ladies, too, had petitioned. God forbid that a word of disrespect should escape him in relation to the ladies in any quarter of the world. Let him at all times be sensible of the deference and devotion that was at all times under all circumstances due to them. But let no one from any quarter think it necessary to petition Congress to preserve the ladies of the South from corruption. He would draw no comparisons between ladies, neither was there any thing to compare to them; but he would beseech these fair petitioners to give themselves no further trouble about the ladies of the South. They were in no danger of contamination. Could they suffer by comparison with the fair in any part of the world, in any quality that could adorn or ornament the sex, or render it lovely? It was a mere hypothesis that negro slavery had corrupted the people; the fact was not so. It was true, as the gentleman from Massachusetts had said, that a gentleman, last session, had made a long and eloquent speech, and when he concluded, nothing was said, and the petition was laid on the table, where it has slept the sleep of death.

It is true, as the gentleman says, that the petitions of last session upon the same subject, have all met the same fate. But since that time there had been a great change in things. Shall we stand here, (said Mr. B.,) after all that has passed during the summer, and hear and receive abusive petitions on abolition—patiently, too? He was surprised to hear the gentleman from Massachusetts [Mr. Adams] say, that the speeches of himself and those of his colleagues might, and probably would be, if pushed much further on this subject, as incendiary as any of those pamphlets, and he had not thought it; and if such were their feelings, he would prefer they should come out. But he was sure the gentleman did not entertain feelings and objects as incendiary as many expressed in those pamphlets. He was sure the gentleman had not taken the trouble to read some that he (Mr. B.) had seen. Did he know that they contained propositions, with actions according with them, that would freeze the blood with horror to witness if put into execution, that could never be thought of without shuddering, by any man who felt for his wife, his children, his friends, his neighbors, or his country. He knew the gentleman entertained no such objects or feelings towards us, and harbored no such designs against us.

In conclusion, Mr. B. said that he would vote for the reconsideration; and if a petition came on without any offensive language attached to it, and his brethren and colleagues from the South should agree with him, he would have no particular objection to have it referred, and a direct answer given.

Mr. THOMPSON, of South Carolina, said the gentleman from Georgia [Mr. Glascock] had congratulated the House and the country upon the tone and language of the gentlemen from the non-slaveholding States who had taken part in this debate. I (said Mr. T.) very heartily concurred in that congratulation. I am not disposed to look for sinister and bad motives where those which are direct and honorable are avowed. I must, for the present at least, take it for granted that gentlemen mean what they say. I will not drive off those who may be our friends by prematurely suspecting or denouncing them. But I must say that the course of some gentlemen to-day has been well calculated to impair that confidence, and to justify suspicions then expressed by some of my friends. Of one thing I assure gentlemen, that, with all the manoeuvring of parliamentary, let me add of party, tactics, that they shall not elude a direct issue upon this question—an issue that will have to be met with masks off. And then, sir, either my confidence in gentlemen or the suspicions of my friends will be justified.

But, sir, if I was satisfied with the language of the non-slaveholding gentlemen, I was rejoiced, in my heart was I glad, to listen to the manly and decided language of the gentleman from Georgia. It gave me assurance that, on this question, if no other, there will be a thorough union of the whole South, in council and in action, if need be, on this great and absorbing question. Yes, sir, this absorbing question, by whose salutary warmth,

ay, heat, if you please, the pestilent vapors of party strife and personal faction will be taken up. The question before the House is, will it reconsider a vote heretofore inadvertently given (as is admitted on all hands) on the reference of a petition? A vote on a kindred petition has just been taken, and gentlemen all around me exclaim they were tricked, they were entrapped. Yes, sir, such is the language of a distinguished gentleman from Virginia, with whom I find myself acting on this question; but with whom, in all human probability, I shall find myself acting on no other. And, sir, let me ask, if the majority desire to avail themselves of a vote thus obtained? I know not the feelings of this body, but, regarding it as a body of gentlemen, I am almost afraid of giving offence by asking the question. Those with whom I act here, sir, and with whom I have acted in times which are past, and in a crisis, every thing of which I am willing should be forgotten, but the great principles which were asserted, a band of patriots whose party name is the only epitaph I desire upon my tomb, have been charged with getting up this discussion for party purposes. It is untrue. No, sir, we not only will not ourselves, nor will we allow others to touch this vital and delicate question for any such purpose. On this subject, hands off is the word. Thus far may you go, but no farther. Let gentlemen here and elsewhere go on in their petty intrigues, their degrading scramble for the offices, the honors of this Government—but there is one interest which must not be involved, and it is this.

As to discussing this subject before any human tribunal, I will not. I will not condescend to vindicate to this House or elsewhere, this or any other of our domestic institutions. It is no affair of yours; you have no right to touch it, still less to demand a reason of us for its continuance. The gentleman from New Hampshire, [Mr. PIERCE,] and I must say that his voice sounded in my ear as the voice of a friend, said that we of the South could not know the state of things at the North; that in his district there was not one abolitionist in five hundred. If I did not know it before, I do now, sir, because he has said so. Let me say, in my turn, that he does not know the state of feeling at the South, and I do, with a full knowledge of all my responsibilities, declare that in my opinion nothing will satisfy the excited, the almost frenzied South, but an indignant rejection of these petitions; such a rejection as will, at the same time that it respects the right of petitioning, express the predetermination, the foregone conclusion, of the House on the subject—a rejection, sir, that will satisfy the South, and serve as an indignant rebuke to the fanatics of the North. But we are told that such a course, whilst it would satisfy the South, would offend the people of the North. How so, sir? I had thought that it was the South that was interfered with, the South that was injured, that it was the South that was to be satisfied. Who is it at the North that we are to conciliate? The fanatics? Fanatics, did I say, sir? Never before was so vile a band dignified with that name. They are murderers, foul murderers, accessaries before the fact, and they know it, of murder, robbery, rape, infanticide. Sir, this question must be settled; if I may so speak, it must be killed; a just regard to the rights and feelings of the South, to the peace and harmony of this great republic, the permanency of our institutions, demand it; in short, sir, every consideration which can address itself to a patriot demands it. Yes, sir, in the presence of the armed monarchies of Europe, with all the powerful elements both on this and the other side of the Atlantic, already in incipient commotion, already rumbling in their deep crater, he is wilfully blind who does not see that the time is not distant when union, concert, all the patriotism, all the virtue, all the wisdom of our whole country, will be demanded. Shall we, sir, continue to stir this most prolific source of discord, ay of hatred, or shall we settle it, and forever?

Mr. Speaker, there are very few things which my constituents could ask of me that I would not do. But, sir, if these insulting petitions—insulting alike to them and to me—are continually to be read here; if I am to be told that my constituents are land-pirates, cruel, inhuman, avaricious—yes, sir, avaricious—(some of these adjectives, considering the geography of these petitions, are badly chosen;) if, I repeat, my constituents are to be here calumniated and insulted, they must get some other proxy than myself to receive these insults. Sir, the people of the universal South have for years regarded this question of emancipation in this District as identical with a proposition to emancipate the slaves of the whole South, and no human power can change that opinion; and, sir, let me ask if that is not the view of these petitioners themselves? What is their language? "That slavery" causes our nation to be regarded by the world as cruel, avaricious, inhuman. Will abolition in this District remove that impression whilst slavery exists in the whole South? Why no, sir; and they well know it. They mean more. Would a direct proposition to emancipate the slaves of the South be entertained here one moment? Dare this House do it? Dare it do it, I say; for I am sure it would not dare to do an act which might produce calamities so terrible to us all. And yet, sir, this proposition, which both sides regard as identical, is to be treated with all due courtesy, lest you offend that very worthy band of gentlemen, the fanatics of the North, a most notable set of philanthropists, who seek to place the black race in a worse condition than they now are, and that such would be the result, they have the daily evidence before their eyes, by the massacre of the whites of the whole South. I tell gentlemen that they are walking in a magazine with a lighted torch in their hands. Gentlemen may not be aware that, while they are indulging in very poor sarcasms "on the sublime beauties" of slavery, they are not, I am sure they are not, aware of the true situation of the country as to this most delicate and dangerous subject. Yes, sir, whilst gentlemen are indulging here or elsewhere a sickly philanthropy, and shedding, or causing to be shed, crocodile tears over the condition of the poor African, they must cause tears to flow of a very different kind, such tears as were shed at Southampton. This, sir, is all that they can do. As to any effort now or ever to accomplish their purposes, no one man at the South has any fears. No, sir, thank God, on this subject we are united, and our position is one of security, of impregnable safety. Mr. Speaker, I should be an unworthy representative of the people who have honored me with their confidence, if I could so far forget what was due to myself and to this House, as to indulge in the language of menace, but still more unworthy if I were to palter with this great subject. I cannot, sir, mollify with a phrase. I have not obtained my seat here by prating about this glorious Union. I will only now say that I have a profound, I hope a wise, but by no means a fanatical, attachment to it. There are things which I value more, and I tell gentlemen, in all candor and good feeling, that, if the people of any portion of this country regard slavery as a national disgrace, they must make up their minds whether the advantages of a union with us are worth the disgrace, if any thing be the price to honorable men of dishonor; or, sir, they must cut the cord that unites and be off; and God speed them, however much I should deplore the event under any other circumstances.

The very distinguished member from Massachusetts [Mr. ADAMS] has stated some appalling facts in a speech, sir, to which I must apply, with some change of the order, a very pointed remark, as his remarks always

are pointed, made by that gentleman on the message of the President at the last session, that, whatever the world may think of its spirit, there can be but one opinion of its prudence. He says, sir, that, if this matter is forced upon the House, the speeches of every member north of Mason and Dickson's line, will be an incendiary pamphlet. I trust not, sir. I can but hope that gentleman is mistaken. That venerable gentleman has been so long, and, in some instances, so furtunate for his country, in the public service, that much of the history of his life is known to us all; and, sir, we certainly have a very striking instance about the period of 1808 of a very acute and very accurate perception of the state of public opinion, and to what point it was tending; but, sir, (and I would not for the world recall to that distinguished gentleman an unpleasant reminiscence,) we had about this time last year an equally signal instance of a mistake as to the sentiments of his own constituents upon the subject of the French war I will not say a mistake which he may have had occasion to regret, but it was certainly one which forced upon him the extremity of having to demonstrate that a spade was not a spade.

I hope that the gentleman is again, as last year, mistaken as to the public sentiment of the North. But, sir, be he right or wrong, the South demands to know the truth, and if I had not been so resolved before that speech was made, to bring gentlemen to the *experimentum crucis*--the test of a vote—I am now.

One word in conclusion; and, sir, it is from one who, however obscure, was not the least ardent in the late happily ended struggle of the State of South Carolina. I assure this House, and proclaim from my place here to the country, that there is not now one remnant of unkind feeling on the part of the people of that State to any other section. "The winter of our discontent" is gone, and I bear the most willing testimony to the balmy influence of the popular meetings at the North upon our irritated community. It may be in God's good providence—a providence always good, often inscrutable—that, however vile may have been the instruments used in causing this excitement, it may end in the cordial, the affectionate union of all actions. Improve the opportunity. The action of this House may go forth into the South with healing on its wings, or, sir, it may, to use the eloquent language of the gentleman from Virginia, [Mr. Wise,] be the signal to rally the clan. The ties that bind us together, and I thank God for it, are many and powerful: the silver bond of interest; but that interest must be mutual; the silken cord of affection, the most powerful of all--or the iron chain of despotism--but let me tell you, sir, that every link of that chain will be blood stained.

Mr. MORRIS, of Pennsylvania, said, the question is upon the reconsideration of a vote which was taken by the House on Saturday last, and then decided in the affirmative, to refer a petition for the abolition of slavery in the District of Columbia to the Committee upon the District. It is with reluctance, Mr. Speaker, that I feel myself constrained to trespass for a moment upon the patience of the House, in offering my reasons for the vote which I shall give. I should not do it now, if I did not feel reminded of my duty, by a remark which incidentally fell from the honorable gentleman from Massachusetts [Mr. Adams] this morning, that some years ago it had devolved upon him to present a number of petitions upon this subject, from the Society of Friends in the State of Pensylvania, many members of which Society I have the honor of representing upon this floor; and I may be permitted to take the occasion to say, although this is not the time nor the place to pass a eulogium, that they are as respectable, as honorable, and as intelligent, as any other portion of the community. Sir, for the same reasons which I understood to actuate the honorable gentleman from Massachusetts, and the honorable gentleman from Virginia, who sits near me, although their views of the means to attain this object are different, to wit: to give quiet and repose to this agitating question, I shall vote against the reconsideration. I hold it to be important, that we should meet this question in all its bearings; that a reference should be made of these memorials to a committee, who would give it a calm, dispassionate, and temperate consideration; present the facts of the case to this House and to the country; and let it be finally acted upon as other petitions are, that we and the country may arrive at a safe and satisfactory conclusion upon it. Sir, it is to appease and assuage the troubled waters that have been moving upon this question, that I am in favor of a reference, in order that there may be a report upon it by the committee. It has been stated that there are matters of deep and vital importance involved in the decision of this absorbing question; matters affecting the constitution and laws of the land: it has been stated, that there are vested rights of property, which rights are guarantied to the people of the District, of which we could not constitutionally deprive them. And upon this part of the inquiry, there was an attempt made by a gentleman, two or three days ago, to refer to and read the ordinance or act of cession of a part of this District; but in the then pending question, it was pronounced not to be in order to go into the merits of the inquiry. I hold it to be pertinent and important that the relative position in which the master and the slave stand towards each other in this District, upon legal and constitutional principles, should be made known to the community. But, sir, there is another view of this interesting subject, which merits the respect of a reference and the attention of a committee. The consideration of the expediency of agitating the subject at this time; the propriety of changing the laws of this District with reference to the inhabitants and the surrounding States, are matters which are presented before us, and the sense and justice of Congress are appealed to on that ground. It is urged upon us, and yet without the opportunity of accompanying the appeal by the alleged reasons, that Congress should refrain from stirring this subject. Is it not important, sir, that the arguments on both sides, and on all sides, of this question, should be set forth, that the people may be informed, and that they may judge for themselves? It is, I take it, of the highest importance to the people, both of the North and the South, that this inquiry should be had, freely and dispassionately. It is with this view, and for these reasons, that I am opposed to a reconsideration of the subject, and wish it to abide the decision already made. Sir, upon this question, it is not competent for me to enter into the merits or demerits of the principles, or of the abolition of slavery. I am admonished by the hour, that I ought not further to prolong this debate; but being placed in the position in which I am, and entertaining the opinions which I do, I could not, in duty to myself or my constituents, forbear to ask the indulgence of the House to submit these few reflections, before I record my vote upon the journals.

Mr. M. having concluded, the House adjourned.

Tuesday, December 22.

SLAVERY IN THE DISTRICT OF COLUMBIA.

The question being that depending from yesterday, on the motion of Mr. Patton for a reconsideration of the vote by which a memorial praying Congress to abolish slavery within the District of Columbia, was referred to the Committee on the District—

Mr. GRANGER, of New York, rose and said:

Mr. Speaker, I rise to protest against the manner in

which the names of these petitioners have been confounded with the abolitionists of the North. They are men of as pure hearts and as pure lives as any gentlemen of South Carolina; they are men to whom the constitution of this country is as sacred as it is to the inhabitants of the South, and who will rally in its defence with a spirit and power equal to that which was ever brought to its aid by that gallant people. Sir, I hold the abolitionists of the North in no higher respect than do the gentlemen from Carolina, or from any other section of the country. There are many of them for whose motives I have no respect: there are others whose motives are honest, but to whom, misguided as they are, I would say, stay your hand; you must not "scatter, firebrands, arrows, and death, and say, we are in sport." Of them I say, deal with them, under the constitution and laws of the land, as you think proper; but when I am called upon to confound these petitioners with such persons, I feel it my duty to enter my protest.

Sir, who are these petitioners? They are persons who, looking to the letter of the constitution of their country, and finding there that Congress has the right of exclusive legislation for this District, and not looking beyond that, to the grants of cession by the States of Virginia and Maryland, to see under what reservations those grants were made and accepted; and without stopping to ask the still more important question, whether the residents of the District of Columbia require any interference, suppose that Congress have a right to legislate upon this subject. Starting upon this abstract proposition, they have supposed they had a right to appear at the bar of this House, and to ask that the seat of Government of a free nation should be inhabited by those only who are free.

Such, sir, is the condition of these petitioners; and I can never consent that they should be designated as murderers, or that their names should be mingled with those of the abolitionists.

Let us take them more in detail. Who are they? I first mention my worthy predecessor, [Mr. Dickson,] in whose bosom beats a heart as honest as God ever gave to man, and in whose veins flows the blood of as pure a patriotism as animates the breast of any member of this House. He is not a gentleman against whom the charge of constructive murder is to be brought.

Who next? I am a citizen of New York, a State that will assist the gentlemen of South Carolina in keeping the chain of union bright and strong to the last. And, although sometimes collision may arise, and there may be more friction than is desirable, still it is a collision which will bring the chain from the contest stronger and brighter than before. It should be remembered, and I regret to say that it seems to have been forgotten, that the popular branch of the Legislature of New York, during the winter session of 1829, by a most decided majority, embracing all political parties, and as much talent and patriotism as can be found in any legislative hall of this nation, passed by a decided vote their opinion that it was competent for the Congress of the United States to legislate on this subject. I cannot consent, and I should hold southern gentlemen recreant to their own honor could they consent, that a charge thus odious should be quietly made against the representatives of their people; nor can I consent that it should be made against mine. A majority of the Legislature of New York, differing as I did in part from them, are not, by implication, or construction, murderers; and although there may be those in this House on whom the duty of defending that Legislature would more properly devolve, still I cannot pass over this allegation in silence.

Who are next? The peaceful disciples of William Penn!—a people who inflict wounds nowhere, but who carry the healing balm of consolation and sympathy for human suffering throughout the civilized world. I have yet to learn that this society should be called murderers, but for the courtesy of any gentleman.

Who next? The ladies! for they have presented petitions here. I probably shall not differ with some, as to the propriety of their interference; nor will they differ from me when I say that, if they choose to bring their power to bear, such petitioners are most fearful disturbers of man's repose. Indeed, there are few gentlemen, from the South or the North, who have not received many heartfelt wounds from that source; but which, fortunately, are not of a character to endanger the Union. These murderers are like those in Macbeth—they only "murder sleep." This, sir, is the situation of the petitioners, against whom gentlemen have uttered such denunciations.

But we are called upon to consider this question, for the purpose of expressing our opinion on the abolition of slavery in the District of Columbia; and at the same time we are told that it should not be discussed. Sir, a resolution has been read at the table, and, when in order, we are told, is to be submitted to the consideration of the House, which will open this question for debate as fully as if it had been referred to a committee, and they had reported a bill for the abolition of slavery in the District of Columbia. And yet we are to reconsider this vote, and then to cripple the debate, merely because the question cannot be discussed.

Why is it that we have become so suddenly sensitive? Differing as I do from many of my constituents, I have never entertained but one opinion—and that is, that even if the constitutional right exists, which I doubt strongly, there is no question of policy now existing which should call for legislation upon this subject.

I subscribe to the doctrine of the gentleman from Massachusetts, [Mr. J. Q. ADAMS,] asserted yesterday; and I find no reason why this petition should be driven from the House. It has been read at the table. Are not its terms respectful? I think they are; and that, if they are not crimped and plaited according to the strictest conventional rules of refined society, still they are so respectful that, proceeding from freemen, the representatives of freemen, in my opinion, are bound to receive them.

If the gentleman from South Carolina [Mr. HAMMOND] wishes my direct vote upon this question, let him meet the proposition of the gentleman from Maryland, (I believe,) that these petitions go to the Committee on the District of Columbia, or to a select committee, and that a report be made, as it will be made, meeting the wishes of these gentlemen; and then he shall have my vote fearlessly in his favor. But when he insists that I shall either evade this question, or strike through it and inflict a deep wound on the guarantied right of petition, then I say, as fearlessly, that I will stand by the doctrine of the venerable gentleman from Massachusetts, however heterodox that doctrine may appear. Who would have believed that from the very quarter of the country to which the constitution of the United States could not be made acceptable until the right of freedom of speech, freedom of the press, and the right of petition, had been secured, this proposition would have emanated? Who would have believed that an attempt would have been made to drive the petitioners from this hall by those very men who profess to believe, as I believe, "that freedom of opinion is to be tolerated, where reason is left free to combat error?"

Mr. INGERSOLL rose and said:

Believing that the motion before the House will not reach the object entertained by either side, I have put together a resolution which it is my intention to submit for consideration when it shall be perfectly in order. It runs thus:

Resolved, That the holding of slaves is a right clearly recognised by the constitution of the United States, and is thereby secured to the citizens of those States whose policy does not forbid it as the legitimate subject of individual property, and source of political influence and power, and all attempts to interfere with or molest them in its exercise or enjoyment are impolitic, unconstitutional, and unjust.

Surely the proposition now before us does not go to the root of the evil. Encouragement to petitions having for their object the abolition of slavery in the District of Columbia, is deprecated, because (as has been said) it would be an entering wedge to further interference. Rights exist which are in themselves considered unquestionable. These are to be guarded from any and every encroachment. Be it so. Why not assert and maintain them, then, at once, without regard to the mere incident which, although far from insignificant in itself, must be comparatively unimportant?

The nature of the motion now submitted is such as scarcely to afford an opportunity to decide either of the important questions to which attention has been called in the course of the debate. They are two: *First*, the one immediately involved in the memorial on the table, and expressed on the face of it—the abolition or continuance of slavery in the District of Columbia; and, *secondly*, the broader and more pressing inquiry, whether measures shall be resorted to for the purpose of assuaging the feelings, and arresting and preventing attempts to interfere with the constitutional rights and personal security of the citizens of the slaveholding States.

It will be perceived at once that the last of these inquiries is not directly involved at all in the proceeding before us. If it be so in any way, it must be incidentally only. In that sense, I cannot doubt it, since it has been made (as to the abuse itself, or the probable remedy for it) a prominent object of remark throughout the discussion. That the two things may have a bearing upon each other, is altogether a reasonable conclusion, and, in that view, a separation of them in debate could not fairly be expected. But it is perfectly clear that the adoption of the resolution, or the rejection of it, will settle nothing with regard to the more important and interesting inquiry and complaint—the complaint of undue interference, and the inquiry how it can best be put a stop to at present, and avoided in future. If legislation be unnecessary to prevent the diffusion of injurious publications, they will be equally prevented whether slavery be abolished in the District of Columbia or not. If legislation, on the other hand, be requisite for that purpose, it must still be resorted to, although slavery should be preserved and perpetuated here as it originally stood, and still exists in those sections of the two growing empires that were cut off from their parent stocks for the exclusive legislation of the United States.

Thus nothing will be gained or lost to the one question by the determination of the other, even if that determination itself were now within the reach of the House. Will the vote now aimed at reach the object that gentlemen on both sides of the question desire to attain? Will it fairly or effectually decide the point of abolition or conservation any where? I fear not, and believing that to be the case, and believing, also, that a mere silent vote would not sufficiently explain the motives which lead to it, I will venture to trespass for a moment on the patience of the House, by urging the reasons which induce me to wish that another course might have been taken. Before I sit down, I may trouble the House also with a remark as to the necessity, or the absence of it, of movements here in relation to the evils complained of in the Southern and some of the Western States.

As to the whole question, the State of Pennsylvania is peculiarly circumstanced. She has at this moment scarcely a remnant of slave population within her limits. Her soil and climate do not require it. A respectable part of her people, too, descendants of her patriarchal founder, and retaining all of his primitive simplicity in feeling and in manners, consists of individuals who are supposed to be generally opposed to slavery according to the sincerest convictions of their consciences. In their own practice they scrupulously refrain from it. Some of them rigidly abstain from those enjoyments, and even comforts, of life which are the ordinary products of slave labor. Yet, in such a community, among a people whose masses and aggregate contain a large ingredient of the character I have described, feelings have been entertained and expressed, measures have been adopted and promulgated, which, if the sympathies of the South are to be influenced by the promptness and sincerity of corresponding sympathies, cannot fail to win their affection and regard. I want to impress on the minds of honorable gentlemen around me, and, through them, on the nation, that, in the district which I have the honor in part to represent, there has been as cordial and animated an expression of sentiment on this irritating subject as could have resounded in acclamation from one of their own hospitable cities, or arisen from the midst of their own fertile fields. If Pennsylvania was the first to dispense with these institutions for herself, she has not been the last to buckle on her armor, and to extend the right hand of fellowship to her brethren of the South. I mean to make no vain boast of her liberality, to claim no merit here for her motives. History has recorded the event of her abolition. Let it stand, if you will, upon the present occasion, on the ground of her not wanting, for her own best interests, the continuance of slavery. She certainly deems her condition the better without it. Yet I have the satisfaction to say, without a boast, that our constituents are not apt to be backward in the duties of kindness and assistance at a moment of apprehended or existing need. The flames which have been devastating a portion of a sister city had not ceased to blaze, when they gave living proofs of the sincerity of their friendship, and the ardor and promptness with which they would lend their succor to their suffering friends.

I had hoped that there was no substantial difference of opinion on the principal point, in this House, and, therefore, as the representation is universal, that there could be virtually none in the nation. The chord that appeared to vibrate in harmony here, is only responsive to sounds that have been uttered on the banks of almost every river north of the Susquehannah, to the extremest limits of the land. Until very recently these strings would not have been struck at all. An occasion had not before presented itself, when such utterance would have been necessary, and in the absence of necessity it would have been unwise. The North deemed itself bound, indeed, to abstain from a discussion that would have been eminently unprofitable at any former period of the national history. Their patriots had united in planting seed, which was to be left peculiarly, if not exclusively, to the culture of their co-patriots of the South. There grew up from it a sensitive plant that would scarcely bear the slightest touch, and, by common consent, its delicacy was respected, and all interference with it was avoided.

Time, however, in its experimental course, gave birth to prodigious changes in the colonial institutions of another country, and the officious sensibilities of some of its own subjects were influenced to an attempt to fasten or frighten them upon us. The standard was raised with a prudence at least equal to the zeal which prompted its erection, at a distance from the scene

where the effect was to be produced. Some few misguided individuals answered to the signal. We, of the North, its actual population, strangers to all that was conceived or in progress about us, began to suffer under the stigma of hostility and incendiary disposition towards our southern brethren. I cannot be mistaken when I say that the belief was general that the whole northern population was arrayed in feeling against them. It was necessary to disabuse both them and the misjudging few who were equally in error among ourselves. An early effort was made among those who had descended from the first laborers in the blood-stained fields of the Revolution, who fell at Lexington, who, on a memorable occasion, gave the tea to the deep. Their motives were explained, and the necessity of resistance to foreign intermeddling and domestic folly was made manifest by one who, cotemporary with the early history and councils of the republic, and now its time-honored sage, knew best how to illustrate the character of the federal compact, and the duties which, as a compromise, it enjoined.

The citizens of Pennsylvania were not less prompt in the expression of their decided disapprobation of all attempts to disturb the settled faith of the Union. This was done in well-attended meetings of the people, whose sentiments, it is said, are never wrong. The expression was as emphatic as the sentiment which it sprang from was cordial and sincere. The promises and pledges of friendship were pure and unalloyed. But they were individual and unofficial. Our friends of the South seemed to look for something more. A manifesto of good-will was expected from a source that might be regarded at once permanent and responsible. Accordingly, at the very first opportunity that presented itself, at the now recent meeting of the Legislature, the Executive of Pennsylvania, in his annual message, openly echoed the sentiments and judgments of the people. If it be necessary, the Legislature will do the like. What further do the intelligence and power of the South require? Nothing; literally nothing. In the best judgments of their wise and honorable men, they ought to be, and they will be satisfied. What measures they will adopt for themselves, thus assured against distant aggression, must be for their own wisdom to decide, and their own firmness to execute. They have stout hearts and strong arms. Whether (I will add) in the course which may be governed by Divine Providence, the day shall come when they will choose to make arrangements for safe and eventual emancipation, must be left under that guidance which cannot err—exclusively to themselves.

I come to ask them, in behalf of the North; of those who have done all that could be expected, or that has been required; of those who are prepared to do whatever may be necessary or useful in the day of greater need; I merely ask that the subject shall be approached (now that it must be met in this great council) with mutual forbearance and respect. Jealousy herself ought not to doubt the disposition to keep the relations between the two sections of the country free from all influences, except those that are the most generous and just. My object is to allay excitement, by proving, if I can, that the causes of it exist no longer, and that they will not arise hereafter, unless they are excited by the conflict of unnecessary and irritating discussion.

In accounting for much of the feeling that has extended through the southern States, I address myself rather to their distant fellow-citizens than to themselves. Indignation at attempted or perpetrated wrongs was not to be condemned or wondered at. If half the effects imputed to it are likely to ensue from the interference that is complained of, that drop of cold blood that stirs or stagnates in the veins of a native of the South, would be rebellious to his nature. It is not because any attempts could be made with success at actual emancipation, much less at the final overthrow of law and order, that those things are deprecated. One wide-spread revolution, ending in the supremacy of a population of African descent, is, I presume, too chimerical and absurd to be within the serious apprehension of any one. Moral force and well-digested discipline; capacity for order and arrangement; wisdom to direct, and valor not to be subdued, among the high-minded and well-educated citizens of that section of the country, forbid the idea of any thing like permanent or extensive mischief.

Yet there are evils of a less wide-spread influence, of which the dread is by no means visionary; and, with regard to them, early alarm, and steady watchfulness and precaution, are only true wisdom.

A distinguished and eloquent Representative from Virginia once declared upon this floor that the midnight bell never tolled for fire at Richmond that the mother did not clasp her infant more closely to her breast. It was, in his estimation, no idle fear that doubted between the perils of accidental conflagration and the horrors of domestic massacre. Accordingly, more than once has the tocsin sounded to the rescue from existing or clearly meditated insurrection. The fires of servile war were actually lighted at Southhampton; and, although they were speedily extinguished, they left a section of our common country clothed in the garments of affliction. The best of our citizens have been occasionly called on to sit in special commission on the unhappy victims of a salutary vengeance, and it has been necessary, on such occurrences, to present to other evil-doers a terrible example. Single instances of ferocious assassination have also occurred. An unhappy slave has been convicted within the last week in this very District of an attempt to murder his mistress as she slept. An anticipation of such scenes in time to come, prompted by the fatal recollection of them in times past, may well arouse the anxious feelings, the active indignation of those to whom belongs the care of the helpless and the feeble.

We need not go far back in time to discover among the outbreakings of slavery traces of some of the bloodiest butcheries that history records. The elements of fury that could not be satisfied; of a brutal appetite for blind and indiscriminate revenge, never were more aptly mixed for mischief than in the instance of the revolution of St. Domingo. Rome, in the dark hour of the conspiracy of Catiline, did not exhibit a darker picture of human suffering and human crime.

> "All hate had license given it; all rage reins;
> Slaughter bestrid the streets:
> No age was spared—no sex—nay, no degree;
> Not infants in the porch of life were free.
> Virgins, and widows, matrons, tender wives,
> All died."

Independently of the threat of attack on life, it is impossible to overlook the perfectly justifiable motives that give value to property, and make it a duty to guard it from violation. The constitution communicates this character to the right of the slave-owner, and secures him in the enjoyment of it. It does more, much more. Its very first article confers an importance on slave population dearer, in the estimate of freemen, and in its constitution, towards the legitimate exercise of sovereign power, than any which grows out of mere pecuniary circumstances. In the established ratio of representation, and the consequent influence of the representatives, and the force and dignity they enjoy for themselves and for their constituents, there is (as all of us familiarly know) an additional power vested in the slave-holding States derived from that circumstance alone, equal to three-fifths of what they would possess, if every slave were a free man, and, to all intents, a citizen.

When life or property, or the privilege of representation, is invaded, or threatened with invasion, a spirit of more than opposition is aroused, and resistance to the uttermost is the consequence. I thus freely acknowledge, because I deeply feel, how natural is the impulse which would prevent and repel encroachment, that would meet it at the onset, or anticipate its organization. But I confess it appears to me that the occasion now presented is not calculated to call forth, and would but waste, the feelings of alarmed affection, of watchful stewardship, of indignant patriotism, to which I have adverted. No attempt is here made to interfere with any of these sacred rights. The same constitution which gives a thrice-told security to the possessor of slaves, and guards him from the invasion of his undoubted privileges, confers too on Congress the power to exercise exclusive legislation in all cases whatsoever, in such District (limited to ten miles in extent) as may become the seat of the Federal Government. I am not about to argue the question, whether this large grant does, or does not, include the power to abolish slavery. Such discussion would, at all events, be premature, and is out of the course which it is my object at present to pursue. Legislation, however, is sovereignty; and it may be, that, in a given event, Congress can pass upon that grave subject without encroaching upon any rights, vested or contingent, admitted or alleged. I will not anticipate the contingency of a previous abolition in Maryland and Virginia, and of the united voice of all the inhabitants of the District, raised in one general prayer for abolition. Nor do I overlook the proviso in the cession from Virginia, the true construction of which must limit it, I think, to landed property. It is easy to perceive, on the other hand, an essential difference between the voluntary sacrifice of a particular State surrendering its own property, as would be the case where it is done through its particular representatives, and the corresponding movements of Congress upon petitions from a distance with regard to a District which has no especial representation. I do not mean to argue that Congress can legislate away this property, even with the consent of the owners; but I am not prepared to admit that they cannot. Certainly a very different issue is presented by those inquiries from that which grows out of the supposed daring inroads of foreign enemies and domestic traitors. It would be greatly to be deplored that the case should be made to assume a false position, and that a question so easily to be resolved as that which rests upon the plain letter of the constitution, should be embarrassed by difficulties that its spirit alone can overcome, and be confounded with a question that is altogether different, and (at least, comparatively speaking,) doubtful. I would not be understood as requiring that the question of abolition here should be left undetermined; but I would have it met, whenever it is encountered, fairly and fully. Let it be so determined, if at all, as will place it at rest, now and forever; at rest for ourselves, and at rest for the whole civilized world; so at rest, as will afford an answer even to the agitating orator of the British Parliament, whose itinerant humanity has extended, as it should seem, in tender mercy to the superintendence of our domestic institutions.

How will a mere vote upon the little emergency of this little petition effect the object, take it in any sense? From how many souls, male and female, adults and minors, does it come? I speak of it with entire respect, but I allude to its numercial strength, compared with that of the whole republic. Thirteen, or a hundred and thirty, or thirteen hundred, if you will. What is that to thirteen or fourteen millions? Every day may bring forth new memorials of the same, or (which is the same thing in the view I am now taking) of an opposite character. Would the simple rejection of any number of them avail? No, sir. Ominous suggestions are contained in the conclusion of this very paper, that the petitioners are not readily to be turned aside. Applications may be renewed again, and again, and again. The whole time of the House, and the whole business of the nation, may be suspended by the discussion or decision of them in detail, in settling, one by one, memorials without number; in the expression of indignation within these walls, and in the exercise of a persevering obstinacy without them. In such a conflict the race would not probably be to the swift, nor the battle to the strong. Heretofore petitions have been referred, or laid upon the table. An honorable gentleman has said the circumstances are different at present. Then treat them differently. Do not let them remain unanswered, as they will be in effect by simple rejection in each case, but take, or make an early opportunity (if it must be) to decide them all. In that decision, pronounce an emphatic vindication of all we do.

Besides, these detailed decisions, which I confess I deprecate, may not be uniform. To say nothing of the effect that may be produced on particular members by the character and language of particular memorials, by their peculiar knowledge of some sets of petitioners, and want of knowledge of others, and a consequent predisposition or indisposition to listen to their requests, in any thing like a doubtful case, majorities may vibrate from circumstances altogether adventitious, and this may possibly be considered a case of that description. There are, I think, some ninety-nine Representatives from slave-holding states, and one hundred and forty-one from those which are not. I do not know that this makes an essential difference. I hope it does not. But it may operate in some degree, as early habits of thinking and association cannot fail to act upon the mind. Members may be absent from their seats. In the shapes which this subject assumes, momentous, as in some aspects it is, it may come up any and every day. It may steal upon the House unconsciously to itself, and almost so to the mover. We have had but few days for presenting petitions. On each, I believe, it has been the subject of discussion: and, if this motion prevails, the result in the different cases will have been different. I could not ask for a better illustration. For every member to be every hour in his place, watchful of all and partaking of all, would be more than mortal strength and clear-sightedness would bear. It would require the eyes of Argus, and as many hands. We cannot forget, besides, the mournful memento which has been already more than once repeated among us—the shafts of death that have already fallen thickly in the midst of us to manifest our feebleness and mortality.

Thus one day a petition may be received, the next rejected, and the third laid on the table, and the fourth perhaps thrown under the table. What is the result to ourselves, to the nation, to the world? Nothing; worse than nothing: uncertainty and doubt; that fear of change that perplexes nations. This body owes to itself the aim at least, and the attainment, as nearly as may be practicable, of consistency in its doings. Acts of legislation ought not, under similar circumstances, in the course of a political voyage, to veer with the flag at her topmast head, but to be steadfast and true as the needle upon the deck.

I promised, before taking my seat, to say a word as to the suggestion, coming from a high official source, of the propriety of congressional regulations over the Post Office, respecting these grave matters. I am inclined to doubt the necessity, rather than to withhold, if desired, the passage of a remedial statute. It is a question of police—of mere police; and that is a subject which the General Government could not touch if it would, and would not if it could. If individuals are found trespassing on

rights so delicate and sacred as these, they can be punished. If the instruments of their misdeeds, the publications and other missiles of mischief, can be discovered, they may be destroyed. By the old law, misdoers taken in the *mainour*, with proofs of guilty conduct and design about them, were liable not only to be arrested without warrant, but hung up without arraignment. The evidence of their offence was flagrant in their hands. They were themselves reeking with criminal act and purpose, beyond, as was believed, the possibility of denial, and therefore beyond the necessity of farther or formal proof.

Modern usage, it is true, has given to the penal law a milder aspect. Proof is not dispensed with, the rather because it is satisfactory and clear. The law now interposes and prevents the consummation of the crime. It arrests the flight of the criminal, and compels him to restore his ill-gotten gains. It stands guard over the safety of the citizen and the State, by exercising the glorious attribute of preventive justice. It reserves, however, the last offices of vengeance until guilt has been duly proved before the competent tribunal; has been made manifest, not only in existence, but in evidence, to the face of day. It needs not the acknowledgment of the criminal, or the positive and direct proof of his misdeed. The mute eloquence of circumstances still makes its due impression, and often unaided does its office. Its consists of the half-extinguished torch of the malignant incendiary; of the bleeding victim of the highway robber; of the telltale drop upon the dagger of the dark assassin.

To reach these objects is properly the duty of the municipal law. It is within the power of every well-constituted civil society to vindicate itself. The powers and the privileges of the General Government (extensive and useful as I believe they are and ought to be) cannot, in matters of a criminal nature, suspend or supersede the municipal regulations of a particular Commonwealth.

The establishment of post roads, constitutional to the letter, could not dedicate that portion of the territory of a State over which they pass to the use of a band of highwaymen. Jurisdiction and legislation, too, remain to every other purpose as entire after the establishment of the post road as before. The analogous and incidental establishment of post offices is liable to the same results. Can any one suppose that a magic circle is drawn round the office where the mail is opened to diffuse the blessings of intelligence and affection; the cement of private and public union; the principles of happy and virtuous association; but ready, perhaps, also, to disgorge the poisonous effluvia of insurrection, discord, and death; and that within that circle every thing is inaccessible to the approach of the municipal law?

The SPEAKER here suggested that the question before the House did not cover the subject which the gentleman from Pennsylvania was now discussing.

Mr. INGERSOLL observed that he was aware that he owed to the indulgence of the House the privilege of making the last few remarks which had fallen from him. It was a subject, however, in many of its relations so delicate and so disturbing, that he was anxious to say at once what appeared to him to belong to it, even incidentally. He would cheerfully conform to the suggestion of the Chair, and conclude with a single remark.

Let us seek the important objects which all of us have in view, with the best feelings and through the proper means, and we cannot fail to attain them. They consist of the harmony and the happiness of the republic, the preservation and prosperity of the Union. In endeavoring to attain them, let us, the representatives of the people, with one accord, seek to bring together, not the opinion of an ancient battle crimsoned with the life's blood of common enemies, but the first-fruits of a generous patriotism, the willing offerings of every section of a common country; and let us place them, with the aspirations of fervent and devoted hearts for her tranquillity and happiness, upon one common altar.

Mr. MANN, of New York, said he had avoided all participation in this debate, because he thought it wise to do so, and he should then say a very few words in relation to it. All that he would say he deemed necessary from certain remarks that had fallen from one of his honorable colleagues that morning, [Mr. GRANGER.] That gentleman was pleased to say that it had been forgotten that the Legislature of New York, not longer ago than the year 1829, had passed resolutions upon the subject of the right of Congress to interfere with slavery in the District of Columbia.

[Mr. GRANGER explained. His words were: it seemed to have been forgotten that the popular branch of the Legislature had passed resolutions—and, said Mr. G., I leave the gentleman there.]

Mr. M. resumed. He said he fully believed that gentlemen of the South on that floor were entirely sincere in their assurances to us that such discussions were unprofitable and productive of any thing but utility, dangerous to their rights, and perhaps destructive to the lives of their wives, their children, and their citizens. He had hoped that gentlemen giving such assurances would have refrained from going into the discussion; but in this he had been greatly disappointed. He would forewarn the House, that it was not his intention to deviate far from the course he had prescribed for himself, and he would not now trespass at all if it had not been for some remarks made by his honorable colleague [Mr. GRANGER] who first addressed the House this morning. My colleague, sir, said Mr. M., has been pleased to say that it seemed to be forgotten that the Legislature of New York, not longer ago than 1829, passed resolutions in favor of the abolition of slavery in the District of Columbia.

[Mr. GRANGER here explained, by saying that such resolutions were only passed by the popular branch of that Legislature.]

Mr. M. continued, and said that the impression he received from the gentleman's remarks was as he had stated, and he thought he had heard him distinctly and attentively; but it was possible he might not have done so, and he was happy to have the gentleman understood. Mr. M. said he had the honor of having been an humble member of that Legislature; and, on looking into its journal, he found that there were four others of his colleagues on this floor, who were then also his associates, [Messrs. W. K. FULLER, EFNER, P. C. FULLER, and HAZELTINE.] His colleague [Mr. GRANGER] was not in that Legislature, as he had been accustomed heretofore to be; and, having stated this fact, said Mr. M., perhaps it is due to the gentleman that I should state the reason, and it is, that he was at the previous election a candidate for the Lieutenant Governor's chair of that State, which he failed to reach, for the simple reason that he could not get votes enough.

Now, Mr. Speaker, on looking into the journal containing the record of the decision taken on the passage of the resolution to which my colleague has alluded, (and it is due to my colleagues to state it, after what has fallen from the gentleman,) I find the record to be consistent with all my former and subsequent action upon the subject. I am there recorded as voting with my two colleagues, with whom it has usually been my pleasure to act on most questions, [Messrs. W. K. FULLER and EFNER,] as voting against the resolutions, while I find my other colleagues, [Messrs. P. C. FULLER and HAZELTINE,] who have always been aliens to most of my views upon political questions, recorded as there voting for them.

My course, sir, and that of my friends generally, at home as well as on this floor, has been consistent in opposing any interference upon this subject. It is true, sir, that resolution passed that Assembly; passed, too, sir, for purposes and by means which I am not permitted to discuss here; but, having been sent to the other branch of the Legislature for their concurrence, it slept, I believe, in the same family vault with those mentioned yesterday by the honorable gentleman [Mr. ADAMS] of Massachusetts, "the tomb of the Capulets." After this explanation, sir, the gentleman is welcome to all the "gulls he may catch by that fly"—to all the benefits which he can appropriate to himself in this, the next, or any other campaign. Having said thus much in reply to my colleague, and being on the floor, said Mr. M., I beg leave to add that my own opinions on this subject are in accordance with those of my constituents with whose views I am acquainted, or ought to be presumed to be so; and, sir, I may claim some acquaintance with the people of the State of New York. Sir, said Mr. M., I am fully warranted in saying that, from my acquaintance with that people, there is not one person in five hundred, among a population of more than two millions of people in that State, who is in favor of abolition, or any other interference with the rights of master and slave in the South. Among the political friends with whom I have uniformly acted, (the republicans,) I have never known one—no, sir, not a single one. Sir, said Mr. M., there is no constitutional ambiguity, to my mind, on this subject; for, while it is admitted that Congress have exclusive power "of legislation in all cases whatever," in the District of Columbia, the constitution has prohibited any of our interference with the local institutions of the States. The Union and constitution, sir, were the result of concession and compromise. The subject under debate formed one of the points. We agreed; we entered into the compact with our southern brethren; and the question now presented by them to us--the real question (when the argument is pushed to the full extent) propounded to us of the North--is, whether we will live up to the bargain we have made, to the compact and union we have entered into? For myself, for my constituents and friends, I answer, without hesitation or mental reservation, that, under all circumstances and in every vicissitude, good or evil, we will--we will, though the heavens fall. What more need I say? (said Mr. M.) I will ask gentlemen to believe us sincere. Why suspect our sincerity? What motive have we to interfere in concerns that do not concern us? Sir, the people of New York can have no motive for such interference.

The few misguided men in the North, who are desirous of intruding their misdirected philanthropy upon the South, have political and party purposes to subserve. Sensible of their own want of consideration in their own community, of their own destitution of political integrity and patriotism, they seek even infamous notoriety in attempts to destroy the institutions of their country. I have placed my vote on our State legislative journals against them, and I shall repeat that vote on your journal as often as I may have opportunity.

Mr. Speaker, I have deprecated this debate, and deplored the spirit in which it is conducted. Shall it come to this, that an American Congress shall be bandying epithets springing from youthful or excited feelings? Is it necessary, sir, to accuse any individual of crimes, and stigmatize him with epithets, that shall with me be nameless? For myself, sir, I cannot consent to such an employment; and I trust that we may conduct our further proceedings in such manner as will avoid it.

Mr. ROBERTSON, of Virginia, said no part of the Union was more deeply interested in the subject under discussion than that he had the honor to represent. Yet he had remained silent till the course of the debate left him no alternative but to overcome his reluctance, almost invincible, to trouble the House, or incur the imputation of shrinking from the discharge of his duty.

He was sincerely grateful to the gentleman from Pennsylvania [Mr. INGERSOLL] for the generous impulse which had prompted his effort to tranquillize the South. For one, he thanked him for the warm sympathy he had expressed for the southern people, and the disposition he had evinced to do them justice. He had hoped the gentleman from Pennsylvania would, indeed, have gone to the root of the mischief. But he was sorry to say that the measure he had proposed was not calculated to attain his object, and had wholly disappointed the expectations he had raised. What did the gentleman propose? In effect, to declare that Congress had no power to liberate slaves within the limits of those States which authorize them to be held as property! And had it come to that? Were we to accept, as a mighty boon, a recognition of the right of our citizens to hold their own property, guarantied by their own State laws, and by the federal constitution itself? Nothing could more strikingly prove how rapid had been the strides of fanaticism and usurpation than the fact that a member of that House should deem it necessary gravely to offer such a resolution. The right of the States to mould their domestic institutions, in this respect, to suit themselves, was not to be drawn in question. The petitioners themselves had not ventured to ask for any direct interference with the States. They had only prayed for the abolition of slavery in this District; and our right to do that was the question we were called upon to decide.

Mr. R. said he was gratified to hear from all quarters of the House the strongest avowals of hostility to the schemes of those who were seeking to disturb the peace of the country. But it was obvious to remark that the action of the House did not correspond with these professions. No measures were proposed to put down the agitators, or secure our tranquillity. There seemed an evident desire to elude the real question. He little expected such a disposition would have been evinced by the gentleman from Massachusetts, [Mr. ADAMS.] That gentleman was among the last to whom he could have ascribed a willingness—in his own emphatic language--to dodge any question, or withhold his candid judgment upon it. If gentlemen are really desirous of allaying the apprehensions of the South, the question made by the petitioners must be met. It will not do to give it the go-by. If, as he hoped, a majority should decide against the right of Congress to interfere in this matter, here or elsewhere, quiet might be restored. But if they were prepared to assert the right, it was high time the southern people should know it. Not that they might sever the Union. He would take occasion to say they were as much attached to the Union--he could speak for his own State--as those who dwelt north of Mason and Dixon's line; but they ought to know the ground on which they stood, that they might at once appeal to their brethren of the other States for such an amendment of the constitution as might effectually guaranty their property and their peace. He could not consent they should remain in doubt on this vital question--that the flame should be merely smothered for the present, to break out at some other time. It was for that reason he had uniformly voted against every attempt to evade a direct decision, and should give his cordial support to the motion of his colleague [Mr. PATTON] now under consideration.

The right of Congress to abolish slavery in the District of Columbia had, so far as he had heard, scarcely been noticed, until adverted to this morning by the gentle-

man from New York, [Mr. GRANGER,] and the gentleman from Pennsylvania, [Mr. INGERSOLL.] He did not understand them as affirming the right, nor could he learn precisely upon what ground others maintained it. What did the petitioners intend by praying for the abolition of slavery? They meant, he presumed, not that the citizens of the District might manumit their slaves, but that Congress should, with or without their consent, emancipate them. None would contend that this could be done without compensating the owners. Such a proceeding would be simply to confiscate their property. Nor could it be taken from them against their consent, although its full value should be paid. The United States had no power under the constitution to take private property, unless for public use. In proposing to wrest this kind of property from the owner, it was not intended to appropriate it to the use of the United States. They had no occasion for it. The object was, on the contrary, as property, to destroy its use—to annihilate it.

Should the owner even be willing to surrender it for a just compensation, he knew of no rightful authority to apply the public funds to the purchase or emancipation of slaves. He doubted whether the United States could lawfully become a slaveholder. It did not vary the case to say the purchase would be made with the benevolent purpose of emancipating them. If they could purchase, they might hold; if they could buy, they might sell; if they could emancipate, they might prescribe the conditions of emancipation. And what conditions, he desired to know, was it expected to impose? He knew of no clause in the constitution by which the restraints to be laid upon emancipated slaves were defined; nor which gave to it power to create another distinct and anomalous class, in addition to that already existing in this District, of persons nominally free, but politically slaves. Or was it designed to make them absolutely and really free? to confer on them all the privileges of citizenship? Were they to be admitted to the council board? To take their seats in the jury box? To be elevated to the bench? To be eligible to all the offices of Government? Were they to be introduced into our social circles? The southern people, while they retained their present feelings, would never tolerate such a state of society. Those feelings were deeply interwoven in their nature, and would continue to have their influence, possibly, till the Ethiopian should change his skin, or the leopard his spots.

The eighth section of the first article of the constitution was regarded by some as conferring on Congress supreme authority over the District. It was true it gave to it exclusive legislation over the ten miles square, but exclusive was not synonymous with unlimited. It must still legislate within constitutional limits. It could no more transcend those limits within the District, than beyond it. It had no more power to confiscate the property of its inhabitants, than to subject them to *ex post facto* laws, or deprive them of the liberty of speech or the press.

The gentleman from Pennsylvania [Mr. INGERSOLL] had adverted to a clause in the Virginia act of cession. That clause was intended to prevent the United States from acquiring an interest in the soil, or interfering with landed titles. Its literal import might seem, at the first blush, to warrant the construction alluded to, because it was confined in terms to land only. But that construction was not warranted by the true spirit of the instrument, or of the constitution, though the right of the citizens to their lands was expressly guarantied. But it by no means followed that all other property was left at the mercy of Congress. The constitution protected all private property against seizure, unless required for public use. It is not to be believed that Virginia and Maryland would ever have consented to a transfer of their citizens, subjecting them to be dispossessed of their property, or be exiled from their homes, at the will of a Legislature in whose election they had no voice. Let us suppose the District had been ceded by States whose institutions did not admit of slavery—by New York and Pennsylvania. What would have been thought of a petition from the South to establish slavery within the limits of the grant? It would have been regarded, as it ought, as asking a violation of law, and a breach of good faith. Yet the same authority which was supposed to warrant the abolition of slavery by Congress, would seem to warrant its establishment; and the one attempt would be no less a breach of good faith than the other.

Mr. R. said he had not thought it relevant or proper to discuss the general question of slavery; still less had he considered himself at liberty to vindicate the right of the slaveholding States to mould their domestic institutions, in accordance with their views. He could recognise no authority in Congress to call any State to answer at its bar for the exercise of this undoubted right. He excepted to the jurisdiction of the tribunal. He felt bound to oppose the attempt at the threshold. In doing, this, however, he was very far from desiring to abridge the sacred right of petition. The gentleman from Massachusetts [Mr. ADAMS] need feel no alarm. That right would not be invaded, or an attempt made to destroy the liberty of speech or of the press. There was no danger of another sedition law. Yet some limits even to the freedom of speech and the press had at all times existed, and seemed essential to the protection of society. One who should counsel or command another to commit a murder, or who should print and circulate slanderous imputations upon character, would scarcely be permitted to plead the liberty of speech or the press in bar of a prosecution. Still less ought such a defence to avail those who would instigate the massacre of a whole community.

Gentlemen had complained of the warmth manifested in this debate by members from the South. Great allowances, he thought, ought to be made, if, situated as they were, they could not wholly repress their feelings, or view this subject as calmly as those who inhabit cooler regions, and are more distant from the scene of danger. But whatever heat might be exhibited on this occasion, party feeling at least should not be mingled with it. Considerations of infinitely greater magnitude than the petty interests of party influenced the people of the South. They were contending for the preservation of their property, for the security of their lives. He would confidently appeal to his colleague [Mr. MASON] who came from that section of the State in which the new sect had celebrated its orgies in the blood of women and children, to say whether the movement on this subject in Virginia was regarded as one of a party character? No, sir. From one extremity of the State to the other the people had met together, without respect to party distinctions, to consult on their common interest and safety, and had concurred in one universal expression of execration and abhorrence for the enemies of our peace. It was true, as had been often repeated, a firebrand had been cast among us. But it came not from the South: it came from the North; or rather from a small band of ruffians which the North harbors in its bosom. The South desired to extinguish it: to leave no spark alive that, at some future day, might be blown into a flame to consume the temple of our peace, our union, and our liberty.

Mr. JOHNSON, of Louisiana, not perceiving that any good could result from prolonging the debate, felt a reluctance in saying any thing upon the subject; but, coming from a State, from its peculiar situation, more

deeply interested in the question than any other, and knowing the intense excitement recently produced among his constituents, by the daring attempts of the fanatics of the North to stimulate their slaves to insurrection, he considered it his duty to offer a few remarks. He had the honor, in part, he said, to represent a brave and patriotic people, ardently attached to the union of the States; but they are also attached to their families and to their rights of property, and are prepared to defend them when assailed from any quarter. They would not look on silently, and permit their lives and properties to be endangered by the lawless proceedings of a wicked and contemptible set of fanatics, of a different section of the Union, who are unacquainted with them and with the condition of their slaves, who are in a happy situation compared with the peasantry and operatives in any other part of the world. He would not discuss the power of Congress to abolish slavery in the District of Columbia. He concurred in the opinion expressed by the honorable member from South Carolina, [Mr. THOMPSON,] that the members from the southern States should not, on any occasion, argue such a question. He would as soon discuss a proposition to divest the people of the southern States of their lands, or of a proposition to abolish the Government. But he would say to the abolitionists, and entertaining the opinions he did he could not say less, that the exercise of such a power by Congress would convulse the whole Union. The people of the South would not submit to such an act. They do not believe that Congress possesses the power to legislate upon the subject; and they know that such an act of legislation would be immediately followed by an attempt to emancipate all the slaves in the Union. Under these circumstances, it would be their duty to meet the question at once; and knowing the feelings of the people of the slaveholding States, as he did, he had no hesitation in saying that, if such an attempt should ever seriously be made here to effect the views of the abolitionists in this respect, it will be met by the united power of the whole South, and with a spirit becoming a high-minded people, acting in defence of every thing dear to them. He did not make these remarks from disrespect to any member of this honorable body; on the contrary, it afforded him great pleasure to bear testimony to the honorable and kind feelings manifested in relation to this question, by the members from the non-slaveholding States generally, towards their fellow-citizens of the South; all of them seem to reprobate the incendiary publications. And whatever difference of opinion may exist as to the extent of the right of petition, or as to the power of Congress to legislate upon the subject, he did not believe that five members of this House—indeed, he hoped that not one member—desired, under the existing state of things, to see the measure proposed by the petitioners adopted.

Is it not important, then, in every point of view, that a course should now be pursued that shall put this question to rest forever—that will allay the excited feelings which prevail, and restore harmony to the Union? How is this to be effected? Not by referring the petitions to the Committee on the District of Columbia, as proposed by the honorable gentleman from Massachusetts, [Mr. ADAMS,] nor by laying them on the table, as proposed by other gentlemen.

Similar petitions had been referred to that committee at a former session, and an able report made adverse to the prayer of the petitioners, which was unanimously adopted by this House; yet, at the ensuing session, a number of petitions of the same character were presented, and laid upon the table, by a vote approaching to unanimity. Did these proceedings silence the abolitionists? No. They seem to have stimulated their zeal; for we now hear of loads of such petitions. The first one presented at this session was disposed of as those presented at the last session, having been laid upon the table without debate. Thus it appears that, notwithstanding both the courses now proposed to be pursued have heretofore been adopted, conveying the strongest evidence of the opinions and feelings of this House, the abolitionists are not satisfied. They appear to be determined to persevere, session after session, until they effect their object. Are we not called upon, then, by every consideration that can operate upon men who are attached to the Union, and wish to allay the angry feelings which prevail, and to restore harmony among the people, to put an end to this agitating question, by either rejecting at once this and all such petitions, or by adopting a resolution declaring that Congress does not possess the power of legislating upon the subject. If the abolitionists, in defiance of public opinion, and of the decisive votes of this House, shall continue to send their incendiary petitions here, and to keep alive the apprehensions of the people of the South, let them be rejected with indignation. He had no constitutional scruples in voting to reject their petitions. When presented, they are in possession of the House, to be disposed of as it may deem proper. But they may be with propriety rejected, without impairing the right of petition, on another ground. They contain matter disrespectful to the members of this body, from the non-slaveholding States, insulting to the people of the South, and are calculated to produce the most disastrous consequences to the country. He hoped that the motion to reconsider the vote referring the petition to the Committee on the District of Columbia would prevail, and that it would be rejected, and that a resolution similar to the one proposed by the gentleman from Georgia would be adopted.

Mr. WISE, of Virginia, rose, he said, to express his hearty concurrence not only in the views of his colleague, [Mr. ROBERTSON,] but in his expression of thanks to the honorable gentleman from Pennsylvania [Mr. INGERSOLL] for his kind motives and sentiments and sympathies towards the South. But, sir, (said Mr. W.,) at the same time that I ascribe all proper motives to the gentleman, and give him the right hand of fellowship for his noble and kind feeling towards us, he must permit me to inform the House of the fact that I have already astonished the honorable gentleman by informing him, that if I were to vote for the resolutions which he has offered, declaring that Congress has no power of legislation over the subject of slavery in the States, I should be scouted—scouted, sir—from the district and by the people whom I represent.

To declare that Congress has no power to abolish slavery in the States! Has it come to this? Is the question already pushed beyond the Rubicon? Has it passed through the District of Columbia, crossed the Potomac, and reached the shores of Virginia? If it has, that is what I wish to know—what the South should know. But, no, sir, that is not the meaning of the gentleman from Pennsylvania, though that would be the interpretation of my constituents. He means tranquillity, peace, confidence, and union. We mean precisely the same thing; and his resolutions only show how little the good and the patriotic of both the North and the South understand each other upon this delicate subject. His resolutions would be the farthest from giving us tranquillity, peace, and confidence, as a guard and guarantee of our rights and safety. Sir, the gentleman has every qualification, like his own great physicians of Philadelphia, of a good physician, but the opportunities of observation and information have not enabled him or them to judge of southern complaints. He must first see and talk with us, and feel our pulse, before he can prescribe.

The gentleman says by adopting his resolutions we shall avoid all doubtful questions, and simply declare truths and principles which are admitted by all, and never were doubted by any. And that, sir, is exactly what the South can never consent to. We can never consent to declare merely those of our rights which no one can, and which no one shall ever doubt, and to abandon those which are continually attacked, and which thousands are continually endeavoring, even under the right of petition, the freedom of debate, the freedom of the press, the freedom of religion, and the power of the constitution, to destroy. To adopt the resolutions of the gentleman, would be to imply that a doubt existed as to our powers of legislation over slavery in the States, where none ever did exist—as to which the case was, and ever has been, a clear one; and would conclude us forever upon this debatable and doubtful ground of the ten miles square. We wish to exclude all such conclusions, and to settle only the questions upon which some doubt is pretended. Here, in this District, is the doubt, the only doubt, on this subject, which we can ever admit, even by implication; and it is this doubt, *here*, which the South wishes to be settled. It is not the way, sir, to tranquillize the public mind, to leave doubtful questions unsettled, much less to start doubts where they were never dreamed of. We must grapple with this question, though it grapples with the vitals of the constitution.

The North is mistaken: we are not understood. Sir, we are not afraid of this question, or of its discussion, because we wish to explain our feelings and opinions, and desire them to be more fully known, and to be better understood. Some are for laying these petitions on the table, and others are for putting them to sleep, by referrring them to a committee. Would either course settle the question? I know it will not. I know my own people, and I know it is their fixed determination to allow of no doubt in regard to this matter. Their wish is not that this subject shall be discussed for effect, to answer or subserve any sinister purpose, or to arouse any unnecessary excitement; but alone with a view to a settlement of this strife forever, by obtaining from Congress a declaration, not of war, but of peace and safety. We bring not the subject before you; but, on the contrary, we wish to protest, and call on you to protest with us, against these petitions which come here, against our peace, property, and lives, bringing with them civil discord and danger of disunion. We invite not the subject, but wish Congress to say with us to the North, "Hold off!" Yes, sir, that is our feeling. In the midst of servile insurrection, we would say to the North, "Hold off!" Above the cries of midnight murders, we would cry to the North, "Hold off!" When the torch of the incendiary shall "make the darkness of midnight glitter with the blaze of our dwellings," to light assassins to their victims, we will, with an infant in one hand and the weapon of defence in the other, still cry to the North, "Hold off!" And, sir, if Congress will but take up the subject and adopt a resolution which I shall in due time offer, disclaiming all power to grant the prayers of these petitioners, you will, before it is too late, say to the North, "Hold off!"

There is one other way to settle this question, and to give permanent security for the peace and safety, not of the South alone, but of the whole country. To say to such petitioners it is inexpedient, it is dangerous, to grant your prayers, is to say a vain thing, as long as they live under the conviction that you have the power to do whay they ask. Tell me not, sir, that such advice and such wisdom will allay the fire of fanaticism. It is worse than vain to reason with infatuation. They will cease to inflame the country only when they are convinced that their own efforts are vain. Say to them, "You are not only asking us to disturb the peace of the country, but to violate its constitution; and they will then see it is vain to petition. Sir, it is not because these petitions are insulting to us that I object to their presentation—I, for one, could not be insulted by the ravings of madmen: it is not because they endanger our property and lives—we are fully able to protect ourselves; but it is because they ask us to violate the constitution—to break the covenant of our Union, and to destroy that Union itself, that I would not entertain them for a moment as subjects of legislation.

So far has this matter gone that nothing will now satisfy the South but the settlement of this vexed question—"Has Congress the power to abolish slavery in the District of Columbia?" If these petitions prayed for the passage of a law undeniably unconstitutional—if they prayed for the establishment of a religion, the union of church and state, an *ex post facto* law, or a bill of attainder—they would be harmless; for there could be no prospect of action upon them to shake the very foundation of the Government. They might be received in safety, and might be laid on the table without fear of their being ever called up. But, sir, they pray for that which they say, and some on this floor say, they may rightfully claim to have granted to them. They pray for the abolition of slavery in this District; they pray for what it is said they have the right to petition; they pray for the blood of the covenant! Upon their skirts, not upon ours, say we, be the blood of that covenant, if it must be shed—a sacrifice to raving fanaticism and folly! When must the controversy end? What security is there that the fearful controversy is not yet to commence? Can we be quiet whilst the question is mooted—"Has Congress the power to abolish slavery in the District of Columbia?" That is the question. We say no. Who here says ay?

I will show, sir, by the constitution, that there is no such power in Congress. Congress is created the Legislature of the Union, with certain specific powers of national legislation granted; and the powers not delegated to the United States nor prohibited to the States are reserved to the States or to the people. Over the people of the States of this Union the powers given to Congress are enumerated and limited. Among the granted powers is the power--

"To exercise exclusive legislation, in all cases whatsoever, over such district, &c., as may by cession of particular States, &c., become the seat of Government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts," &c.

Thus Congress is constituted a Legislature in two characters and in a twofold relation.

It is a national Legislature for the Union, with specific and enumerated powers. And,

It is a local Legislature, with "exclusive legislation, in all cases whatsoever, over" the District of Columbia.

In order to decide this great and serious question correctly, all that we have to do is to bear in mind the fact of this double relation of Congress, and the proper distinction between Congress as a national and Congress as a local Legislature.

Do these petitions come to us in the one character or in the other? They cannot come to us as the Legislature of the Union, for it will not be contended that there is any such power enumerated or implied even in the constitution, as that which they ask of us to exercise as the national Legislature. They are sent to us as the local Legislature for the District; and what do the words "to exercise exclusive legislation in all cases whatsoever" mean?

These words certainly give to Congress alone, exclusively, the power to legislate for the District of Colum-

bia. No State can legislate for it, and the District, not being represented, cannot legislate for itself. The question is, what power of legislation is given? To what extent may Congress in its local character legislate?

It is readily admitted that Congress, as a local Legislature, has to some extent a power of legislation over the people of the District, which it has not as a national Legislature over the people of the States. This clause of the constitution undoubtedly does not mean that the enumerated powers of Congress, to legislate over the States only, shall be exercised exclusively over the District; for many of these powers, belonging to the national Legislature, are wholly inapplicable, and all wholly inadequate to the various objects of municipal regulations for which Congress alone can and must provide by law in the District. But whilst the constitution does give "exclusive" legislation over the District, it does not define the powers of that legislation. It is true, it uses the sweeping, and, to many minds, the absolute terms, "in all cases whatsoever;" but still the question remains, is this legislation absolute and unlimited—is it supreme and uncontrolled? Does the constitution make this local Legislature a "supreme power" to "prescribe" any "rule of civil conduct" in the District of Columbia, as Parliament may in the kingdom of Great Britian?

Surely there is enough good sense and sound logic in this House to ward off the conclusion that, because the power of this local Legislature is undefined, it is, therefore, unchecked and unrestrained. Do any contend for such a proposition? If so, let us follow out its results to the most monstrous absurdities.

There are certain clauses of the constitution of the United States which restrain Congress, as the national Legislature, from passing certain laws: As that which forbids the suspension of the writ of habeas corpus, the passage of a bill of attainder or *ex post facto* law; a law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people to assemble and petition; or the right of the people to keep and bear arms; or the right to be secure in persons, houses, papers, and effects: As in that which says: "Nor shall private property be taken for public use, without just compensation." Will it be contended that the local Legislature of the District of Columbia has unlimited power to pass laws impairing any of these rights?

Again: to go further. Congress is prohibited from passing certain laws, partial in their operation as between the States, *eo nomine*: As in that clause which provides that "No tax or duty shall be laid on articles exported from any State. No preference shall be given to the ports of one State over those of another; nor shall vessels bound to or from one State, be obliged to enter, clear, or pay duties, in another." Can the local Legislature for the District of Columbia pass a law taxing articles exported from Alexandria? Can it give a preference to the ports of the District over those of the States of the Union, because this preference is prohibited as between one State only and another? Can it oblige vessels to or from the States to enter, clear, or pay duties, in the District?

Again, sir, the constitution requires certain duties and obligations from one State to another to be discharged and observed. "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." Can the local Legislature of this District deprive any citizen of a State of any of his privileges and immunities, because the District, *eo nomine*, is not named in this clause? And "no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." Here is a most important provision, one of the sacred compromises of the Union—the guarantee of slave property. Will it be contended that this provision of the constitution, so sacred to the South, can be nullified by the local Legislature of this District? That it could pass a law in the District—not being a State—which would free every fugitive slave "the moment he set his foot on the soil?" Sir, the bare possibility of this construction is enough to account for all the sensitiveness of the South on this question of abolition here. Admit this construction of unlimited legislation over the District, and it is plain and obvious that every fugitive slave, at least from the States, as well as all slaves in the District, will be free too soon for the safety of this Government. The faith, the compromise, the guarantee, the constitution, which our fathers pledged and made with each other, will be gone forever. And who can say that fanatics and incendiaries have not had this cunning to mark this device for universal emancipation—that they would not have the heart to mutilate the plain letter of the constitution by this verbal criticism? Can there be a doubt but that we would be rent asunder by the "entering wedge" of abolition in the District? Can there be a doubt that this power would be claimed? This claim of abolition in the District is not an indirect but a direct claim of the power of abolition in the States. He who says that it would be merely "inexpedient" to abolish slavery in the District, says that it would be merely "inexpedient" to abolish slavery in the States.

Again: The constitution prohibits the States from doing many acts, without mentioning the District of Columbia. "No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money," &c.—(Sec. 10, art 1.) Will it be said that the local Legislature of this District can do any of these acts? Certainly the District of Columbia can do what none of the States of this Union can do, if this construction of the phrase "exclusive legislation in all cases whatsoever," as contended for necessarily by those who attempt to abolish slavery here, be the correct construction of the constitution. In short, if this construction of these words be correct, there is no restraint upon the general powers of Congress in favor of civil rights and privileges in this District; there is no prohibition of the passage of partial laws, by the local Legislature of this District, injuriously affecting, in fact destroying, all the rights and equality of the States. None of the reciprocal and mutual duties and obligations of the people of the States belong to the people of the District of Columbia; and the local Legislature of the District of Columbia, distinct from the Legislature of the Union and the State Legislatures, may do what neither the Legislature of the Union nor the State Legislatures may do, and what the constitution never intended should be done by any power in the country. The District of Columbia might be either the most favored and free, or the most enslaved and oppressed, of any portion of the United States; and there would be an uncontrolled, irresponsible, and untaxed despotism at once established, without the slow pace of progressive steps, to glut upon all that is free and all that is fair in this happy land! Such a construction cannot prevail unless there be a settled determination not to keep the good faith of the federal compact.

If, then, such a construction is absurd, and this clause of the constitution does not confer absolute power of legislation, by what is the local legislation of Congress restrained, and how far? I think, sir, from what has been said, we may lay down some general rules, at least, which restrain legislation over the District. I would say, sir, 1st, that nothing which Congress is expressly prohibited by the constitution from doing as a national

Legislature, can it do as a local Legislature for the District of Columbia.

2d. That all the duties and obligations which the States are bound by the constitution to discharge and observe from one to the other, the District of Columbia or its Legislature is bound to discharge and observe towards the States, respectively.

3d. That the local Legislature of the District of Columbia can do no act or pass no law which the States are prohibited from doing or passing by the constitution.

Sir, in addition to these rules, deduced, and necessarily deduced, from the constitution, it has already been decided by that judge, who is now in heaven reaping the rewards of his righteous judgments—by Marshall—that there are great leading principles in the nature of society and of government which prescribe limits to our legislation. In Fletchers *vs.* Peck, 6 Cranch, he says: "It may well be doubted whether the nature of society and of government does not prescribe some limits to the legislative power; and, if any be prescribed, where are they to be found, if the property of an individual, fairly and honestly acquired, may be seized without compensation? To the Legislature all legislative power is granted; but the question, whether the act of transferring the property of an individual to the public be in the nature of the legislative power, is well worthy of serious reflection." "How far the power of giving the law may involve every other power, in cases where the constitution is silent, never has been, and perhaps never can be, definitely stated." Even so, sir, where the constitution is silent, but here, fortunately, the constitution speaks too plainly to be misunderstood. It expressly declares that "private property shall not be taken for public use, without just compensation."

Sir, several of the States of this Union have gradually emancipated the slaves within their borders, in their own way, and in their own time. But no State, to the honor of the nation and its institutions, has ever yet violated the great principle of vested rights. None of them have ever, within my knowledge, taken slave property, against the consent of the owners, and without compensation. They have never gone farther than, with the unanimous consent of masters, to adopt what is called the "*post nati*" principle, and to declare that rights which did not exist at the time should never exist—to make those free which would in future have been slaves. It may be well said, in reference to State legislation, that "private property can only be taken for public use." What "use" is a slave taken for, who is taken for emancipation?

Why, sir, that which can only be taken for "use," would be taken to be disqualified for "use." True, you may say there is a "use" of policy, of philanthropy, of fancy, or fanaticism, for which a slave may be taken; but that is not the true sense of the constitution. The only foundation of the Government's right to take a slave, is, that he is private property—the Government cannot change the relation of master and slave, even for public use. The Government may impress a horse or a slave for the public use of defending a city, or for any other emergency. If the horse or slave be destroyed, the Government must make just compensation for the entire value; and if not destroyed, they are returned to the master. The power to change all the relations of property and ownership, and to destroy vested rights, cannot be admitted to be in the State Legislatures even; they could not make compensation without taxing their people to pay themselves, which is no compensation at all. The "nature of society and of government" in the District of Columbia restrains the local Legislature here, much more than "the nature of society and of government" in the States restrains their Legislatures. Remember, sir, that the local Legislature here is distinct from the national; and, if so, where are the coffers of the Legislature of the District of Columbia, from which to make just compensation? Can this local Legislature plunder the Treasury of the national Legislature; take the money of your constituents and of mine, to pay for emancipated slaves here? The entire revenue of which Congress has control belongs to the Treasury of the United States, and not to the Treasury of the District of Columbia. The purposes for which that national treasure shall be appropriated are specified; the powers all enumerated which can touch it. Is there such a purpose or such a power as to purchase slaves? If they may be bought for freedom, may they not be bought for bondage? Will these petitioners themselves contend that the Government can become a slaveholder and taskmaster? And, if the local Legislature shall not use the funds of the national Legislature for such purpose as this, what other means has it to abolish slavery by making just compensation? Will you rob Peter to pay Paul, tax the right hand to pay the left, tax the slaveholders themselves to pay themselves?

Again, and above all, will you dare to tax a people to pay themselves, who are without representation of their own choice? Taxation without representation, to take private property for no public use, against the consent of the owners, would be the very essence of tyranny and oppression. The constitution must forbid so violent a wrong, and no right of petition or any other right can claim to effect it.

And, sir, as to this right of petition, what common interest in slavery here have the people of Maine or Massachusetts with the people of this District? These petitioners must pray to us as the local Legislature of the District. This local Legislature is to this District what the State Legislature of Virginia is to that State. Have the people of the non-slaveholding States a right to petition the Legislature of Virginia to abolish slavery within her limits? No more have any other people than the District people themselves a right to petition the local Legislature here to abolish slavery in their limits, if it be a subject of petition and legislation at all. These fanatics are as alien to this tender interest as the foreigner Thompson, whom they have nursed like a viper in their bosoms.

But, sir, local legislation in this District is still more restrained by the affinity of this local to the national Legislature. Though we constitute two distinct Legislatures, yet we are the same body of men. At the same time we are the Legislature of this District, we are the Legislature of this Union. The same Congress which enacts municipal laws for the people of the District of Columbia, is the high constitutional lawgiver of the people of the United States. The same body of legislators which is bound to protect and provide for the local welfare of this people immediately around us, is, by a paramount duty and interest, bound to protect and provide for the general welfare of this whole nation. This is incorporated deeply in the bosom of the constitution, and is no principle of mere expediency. What would be the consequence of exercising or attempting to exercise this legislative power claimed? Congress never can act upon the subject of abolition in the District, with the consent of a majority of the people of this nation. The South will always be unanimous, and I flatter myself, sir, that we shall always have a large minority at least of patriotism and intelligence with us in the North. No human tongue can tell the consequences—fanaticism would triumph, indeed, and this nation would bid a long farewell to all its glory, freedom, and happiness! This Congress, which is solemnly bound by the constitution to protect the States of this Union from domestic violence, would, by abolishing slavery in this District, send a flaming torch of discord throughout the land; excite insurrection and

rebellion; force resistance to violations of civil rights, and eventually dissolve the Union. By madly attempting to knock imaginary manacles from off the hands of some few nominal slaves, it would merge a prosperous nation of happy freemen into the horrors of a bloody revolution, and finally handcuff both bond and free with the chains of inevitable despotism!

But, sir, let us advert to the reading of the constitution again. If Congress has entire and absolute legislation over this District, it has the power to exercise "like authority over all places purchased, by the consent of the State Legislatures, for the erection of forts," &c. Now, sir, I put this case: Old Point Comfort is a place purchased for the erection of a fort in the State of Virginia. There are a number of slaves hired out there from the adjoining counties. Some persons, I believe, have removed there from the neighborhood, hold their slaves there, and hire them out to Government. Can Congress abolish slavery there? Sir, if we can abolish slavery here, we can there. Is there any such ultimate design? Would it be tolerated? What, sir, can you station outposts of abolition in the very heart of the slave States? Monstrous and absurd!

Again, sir, if ambition and madness, joined with false philanthropy and fanaticism, do not arrest our onward march to unparalleled greatness, this nation of freemen, this empire of civil liberty, this asylum of the oppressed, will extend its vast boundaries from sea to sea--its dominion will extend to the uttermost bounds of this continent. When we shall thus have increased, we must at some not far distant day remove our seat of Government. Abolish slavery in this District, and what an anomaly will be exhibited when it reverts back to the slave States which have ceded it! Could you return the trust as it was committed to your charge? Could you now place these portions of Virginia and Maryland in *statu quo?* Would your freedmen again become slaves? Would these States permit them to remain freedmen? Sir, if you did not violate the letter of the acts of cession, you would commit a breach of the faith implied by the cession of those States. Why was their cession required, why is their consent to the purchase of places required by the constitution--if it was not to give the States the power of imposing condition and restraint upon your legislation over their ceded territory? And I confidently ask "if the nature of society and of Government" in Maryland and Virginia is not, of itself, independent of conditions expressed in the acts of cession, sufficient to restrain your power of legislation over this subject?

Such, sir, are the considerations and causes which imperiously restrain your power of legislation on the abolition of slavery in this District, and which authoritatively forbid the North to meddle with a subject which concerns not its people. Shall we be asked, then, is there no power any where to legislate upon this subject in these limits, even though the people of the District themselves should demand its exercise? No, sir, no. The people of the District themselves cannot ask you to violate the constitution, much less can they give you the power to do so. They can no more give you, by their petitions and prayers, the power to abolish their slavery, than they can by any act of their own give you the power to allow them a representative on this floor. I would sooner vote to violate the constitution by giving them representation in Congress, than I would vote to violate the constitution by taking from them their private property without representation. What need have they of legislation to abolish their slavery? May they not emancipate without further legislation to aid them? Yes, sir; by the laws of Virginia and Maryland, which are still unrepealed as to them, each man who holds slaves, and wishes to petition for legislation, may already, without our assistance, legislate by will or deed of emancipation for himself! And dare you, or any power, to tear from him his property against his assent? Idle, and hypocritical, and false, then, is the pretence of any necessity for the exercise of this power so dangerous and dreadful!

We desire Congress to expressly disclaim any such power, in order that the people of the North may understand it will be vain for them to offer such petitions, because it is unconstitutional for us to grant them. It must be settled that there are restraining principles in the constitution; restrictions to the power of local legislation; restrictions to all the rights of government and citizenship.

Sir, my object in explaining these views has been purely to convince the honest and patriotic portion of the North (and I know that there are many such) of their error and misapprehension on this subject of power, and to obtain their aid and efforts in giving peace and security to their brethren of the South. Sorry, indeed, was I to listen to the inflammatory and intemperate remarks of the gentleman from Massachusetts, [Mr. Adams,] and of the gentleman from New York, [Mr. Granger.] The figures which they presented to me were those of the keepers of bloodhounds, holding them by the leashes. They patted their bloodhounds on the head, and caressed them for "no murderers."

Sir, those whom these pets of the gentlemen pursue and harass, can best judge of their taste for blood. Can these gentlemen, can any, be so inhuman as to feel the disposition to hiss on these bloodhounds? Do any delight in encouraging the spirit of fanaticism, by soothing and complimenting these kind, amiable, peaceable, good Quakers, priests, foreigners, and ladies, who heat this agitation? The honorable gentleman [Mr. Adams] asks if we wish to discuss the "sublime merits of slavery?" I think, sir, it is a subject as sublime at least as his conceptions of the character of the fair Desdemona, who carried "amalgamation" practically too far in his opinion and mine, too; but it is not a discussion of slavery that we ask. We never will discuss that subject with gentlemen but in one way, which I will not mention. The only question which we will discuss, and that to enlighten the public mind on a question which has never been discussed enough to be understood, is, "whether Congress has the power to abolish slavery in this District?" And I hope, sir, that in the discussion of that question, "every speech north of Mason and Dixon's line" will not be, as he has predicted, "an incendiary pamphlet." I cannot believe it. Nor do I think it possible that the people of the North, when they are sufficiently enlightened by temperate and sober discussion of that question, would turn out their representatives for supporting the rights of our people and the sanctity of the constitution.

The gentleman from New York [Mr. Granger] said that his good petitioners were not abolitionists. I think, sir, they are next akin to them. Many of them are women. By the by, sir, have women, too, the right of petition? Are they citizens! No one, Mr. Speaker, pays more cordial homage to the fair sex than I do. Woman in the parlor, woman in her proper sphere, is the ornament and comfort of man; but out of the parlor, out of her sphere, if there is a devil on earth, when she is a devil, woman is a devil incarnate! If I were to paint the image of a demon, a fiend riding on the blast of strife and ruin, hissing rage, and rapine, and rape, and murder, on our lives and property, and matrons and maids, of the South, it should be the form of a woman with the hair of the furies! One good sanctified priest can persuade all the women in the parish to be abolitionists. And what sort of a Government are we to have if women and priests are to influence our legislation? The gentleman from Massachusetts [Mr. Adams] told us that

this is a religious question. I protest against religion having any thing to do with the political and constitutional questions of this Government. Neither women nor priests are politicians, except in the intrigues of court. This is a delicate political question, and those only should deal with it who have some common sense as well as experience as statesmen, and who are honest patriots.

The gentleman from Pennsylvania [Mr. INGERSOLL] has given the message of the Governor of his State as an assurance of fraternal feeling to the South. Sir, that message was, no doubt, like many other assurances from the North, well meant; but the South can view no such assurances as satisfactory. The Governor, if I read his message right, recommended no legislative action whatever to his State Legislature, but recommended them to leave the whole subject to public sentiment alone. We require, particularly in my section of Virginia, most efficient aid from the State Legislatures of Pennsylvania, New York, and New Jersey. Not a year passes in which numbers of our slaves do not escape to some one or all of these States. The constitution guaranties to us our right of property in fugitive slaves; but that guarantee is rendered null and void for the want of State protection from mobs and "public sentiment," which obstruct the exercise of that right. What kind of protection do we meet when we go in pursuit of our slaves? Every obstacle is interposed between the master and the recovery of his property. It was but a few months since that a citizen of my own county went to New York to recover his fugitive slave; the slave knew his master, and the master knew his slave; but black witnesses were arrayed against respectable white witnesses, and were made to swear that the slave had been a resident of New York for a time longer than that within which he had eloped. And this, sir, is not an uncommon case. All that we ask is, that the faith of the covenant shall be kept; and how can this provision of the constitution be available to our rights, if black witnesses shall be allowed to swear against white men in a case involving the question of a right of property to a fugitive slave in a non-slaveholding State?

The South asks no other aid or protection of the North than a faithful observance of the federal compact. They feel no other apprehension than from northern violators of the constitution.

The gentleman [Mr. INGERSOLL] alluded to the case of St. Domingo. I beg him to remember that the French of that island were not overrun and massacred by the blacks, notwithstanding the immense disparity in numbers between the white and black population, until an English army assisted the slaves. Sir, that is all that we have to fear—an English army from the North! Already has a miscreant foreigner from Great Britain been recruiting his army of fanatics in the North. We scorn the crusade, but hold the constituted authorities of the North bound for the consequences of "blood and burial" which are to flow.

If an English army, sir, were actually to invade our shores, every sword would leap from its scabbard to repel the foe—it would be treason to aid and comfort the enemy in our borders. And, though all the fleets and armies of combined Europe could not so effectually attack and destroy this nation and its institutions as George Thompson and his northern recruits, yet this worst of enemies is not only tolerated in our borders, unwhipped of justice, unpunished by penal laws of protection, but he is left to that omnipotent guardian, "public sentiment"—"public sentiment" in the North—which not only countenances, but aids and comforts and encourages him and his followers—ay, pampered and petted him with all the soothing and succor of the hospitality and kindness and assistance of some of the most powerful, influential, and wealthy citizens! Strange and sad infatuation, at war with every obligation of duty and patriotism! I do trust there is still left patriotism enough, and sober sense enough, to avert the calamities which are threatened from this portentous quarter, and that this House will take measures to quiet the public mind on this subject. If we pass a declaratory resolution, we shall then hear of no more motions to reject these petitions or to lay them on the table. Our only wish is to be plainly understood. Sir, it is not for our lives or our property that we are so anxious. No, sir. As our fathers pledged their lives, their property, and their sacred honor, to each other for the establishment of free institutions, so are we ready now and always to pledge our lives, our property, and our sacred honor, to our brethren of the North to preserve forever the blood-bought common inheritance which our fathers, who were brothers in truth, in compromise, in the spirit of conciliation, have left us. We beg of our brethren to be governed by their spirit. We invoke their spirit! Were they here in our seats, would they be continually risking all so dear to us, for a good so questionable if attainable? Would they not give up this contested power of legislation, if they possessed it, sooner than risk the whole of this fair structure—this their handiwork—this free Government—for an imaginary and vain scheme of folly and madness? We will stand by the constitution, and fear only for it! We will keep the faith of the covenant on our part, and repeat: "upon your skirts, not upon ours, be its blood."

I hope, sir, I have had a higher and nobler object in view, in thus addressing the House, than any party object. If those who have disclaimed the imputation of bad motives to me and my friends, meant thereby to do what they disclaimed, I have only to say, sir, I hold the imputations and their authors in contempt. My motive is not agitation, but tranquillity—to teach forbearance to the agitators of the North—to say "hold off," to all who will rudely touch this tender point—and to give permanent peace and safety to the South. I now beg the House to speak peace and safety to the country through a resolution which I shall take the opportunity to move, declaring that "Congress has no power, under the constitution, to abolish slavery in the District of Columbia." Give us this, and it is all we ask.

Mr. JONES, of Virginia, said he did not rise to discuss the merits of the proposition, which would be necessarily presented by the petition now offered to the House; that was what he not only did not desire to do, but it was what he dare not do. He designed briefly to assign the reasons which would induce him to reconsider the vote by which, in a moment of inadvertence, that petition had been sent to the Committee on the District of Columbia; and also to reply to the objections urged by gentlemen to the course now proposed to be adopted in reference to that, and, he hoped, all other petitions of the same character. He expressed himself grateful to the gentleman from Pennsylvania, [Mr. INGERSOLL,] for the remarks he had made this morning. But while he rendered this tribute to the good feelings and sympathies of the gentleman, he hoped his own motives would be duly appreciated by him, when he said he could never consent to entertain or discuss here the right by which the people of the South held title to their slaves. The great object he desired was to obtain a direct vote upon these petitions, which continued daily to come in; and that the solicitude he felt on the subject arose from a conviction upon his own mind, that nothing but a direct vote would satisfy the members from the South, or quiet the apprehensions of their constituents; and deeply as he lamented the necessity which rendered it proper, in the opinion of honorable gentlemen, to go into this debate—unwilling as he had always been, so far to

countenance the views of those misguided, deluded, and infatuated men, who for years past had been scattering firebrands among the people of the South, and who, to accomplish their base purposes, were willing not only to aim a deadly blow at their prosperity as a people, but to peril the lives of millions, and to endanger the perpetuity of the Union—he felt as though he should be unfaithful to the high trust confided to him, if he did not contribute his aid in obtaining a direct vote upon this all-absorbing question.

But a few days ago there seemed to exist a unanimity of sentiment upon this deeply interesting subject, which had very seldom manifested itself upon any important question which had come up for consideration before the Representatives of the people. There was then heard from all sides of the House a wish expressed, not only to put down the abolitionists, but to do it in the most effectual possible manner; and the great point of difficulty was to determine upon the mode by which it could be most effectually done.

With one of the modes, Mr. J. said he should be satisfied. Promptly to reject these petitions as they were presented, he believed, would meet the approbation of southern gentlemen; and if they, who were more deeply interested than all others, regarded that mode of disposing of them as effectual to the accomplishment of the great object they had in view, and the people of the East and the North really intended, in good faith, to co-operate with them, (as he believed they did,) he could perceive no good reason why the proposition to reject should not be sustained.

It had been said that gentlemen from the South were over sensitive, and disposed to act with too much precipitation on this subject. It had also been contended that this course of proceeding was calculated to abridge the great right of petition; and others there were, who thought the only proper course was to refer them to a committee. The intimation that this was a subject upon which the people of the South were sensitive, was just. The fact could not be disguised, that there existed throughout the slaveholding States an excitement which had never been witnessed at any former period of their history; and strangely indeed must he be constituted, who could look upon the conduct of the abolitionists, and witness the scenes to which it had given rise in the South, and not have his sensibility wrought up to the very highest pitch. Was it not known to every gentleman upon this floor, that numerous abolition societies had been formed in the eastern and northern States, frowned upon, indignantly frowned upon, he believed, by the intelligent, the well-informed, and respectable portions of these communities? But could they shut their eyes to the fact, that these societies existed; that they had gone on to collect large sums of money, and had put into operation printing presses, which were worked by steam? Yes, sir, worked by steam, with the open and avowed object of effecting the immediate abolition of slavery in the southern States. That by means of these two great revolutionizers of the world—he meant steam power and the press—they had caused to be printed, and, by means of the public mails, circulated throughout the slaveholding States, large numbers of newspapers, pamphlets, tracts, and pictures, calculated, in an eminent degree, to rouse and inflame the passions of the slaves against their masters, to urge them on to deeds of death, and to involve them in all the horrors of a servile war—productions which, Mr. J. said he would take upon himself to say, were as foul libels upon the people of the South as were ever printed. And, as if to add insult to injury, there were those here who had the charity to believe that they were influenced in their conduct by humane and religious motives. If, indeed, (said Mr. J.,) this most uncalled for, officious, and dangerous intermeddling with the rights of others, be dictated by religion, he would say it was not the religion which was inculcated by the Saviour of the world, or taught by his disciples.

Mr. J. said he hoped it would not be understood, by any thing he had said, that he was in favor of abridging either the freedom of the press or freedom of speech: far from it; he regarded them as the great safeguards to our republican institutions. There was, however, a difference between the freedom and licentiousness of the press, and what he objected to was the right of these misguided and deluded men to propagate slander, to instigate murder, to disturb the peace of States, and to endanger this Union; and, if persisted in by them, he called upon the representatives of the people to interpose, and stamp their conduct with the seal of their disapprobation.

But (said Mr. J.) we have been told by the gentlemen from New York and Massachusetts, [Mr. BEARDSLEY and Mr. ADAMS,] that to vote to reject this petition would be to abridge the right of the people to petition Congress. He admitted that to be a right, the free exercise of which was secured to the people by the constitution, and he would be among the last, he hoped the very last, to lay violent hands upon that sacred instrument. He had sworn to support it, and, as a Representative of the people, support it he would, at every hazard, for upon it depended the last hope of freedom throughout the world; and if he could be satisfied that any constitutional right of the people was to be invaded by the course he proposed in disposing of that petition, he would be the first to abandon the position he then occupied; but (said Mr. J.) in what consists the right of petition, if it be not to set forth, in written form, the grievances complained of, with a view to procure upon them the action of Congress? And had not these petitioners already enjoyed that right? Did not the proceedings which had taken place upon this petition furnish the affirmative answer to the inquiry? Had they not petitioned, had not their petition been presented by a member in his place, received by the House, read by the Clerk; and was Congress not then engaged in endeavoring to dispose of it in conformity with rules which had been made and adopted for the government of the House? And if it should ever be disposed of, would not this petition have been so fully considered as it could have been, had any other form of proceeding been adopted? Mr. J. said, that when a petition had been presented to the House, received, and read by the Clerk, (unless it should be afterwards withdrawn by the consent of the House,) it became the property of the Representatives of the people: they might refuse to consider it, lay it on the table, postpone it to a day certain, refer it to the committee, or, what they had in vain attempted here, they might reject it. Here, then, were five several ways in which this petition might legally and properly be disposed of; and how it was that the disposition of it in one of these modes, in preference to another, (all of which were prescribed by the rules of the House,) was in any possible way to affect the right of the people to petition Congress, he was wholly at a loss to comprehend.

But they were told by the gentleman from Massachusetts, [Mr. ADAMS,] that, if these petitions were sent to a committee, they would there be allowed "to sleep the sleep of death;" and that thereafter we should be troubled with no others of like character. Would to God that this assurance of the honorable gentleman could be realized; but they had only to look to the past history of their legislation upon that subject to be satisfied that the expected consummation to which he looked forward, had existence nowhere except in the fertile imagination of him who conceived it. It would then be

seen that that course had been tried again and again; still these petitions continued to flow in upon them, and would continue to do so, so long as they were received and referred to committees. What, he inquired, was the object in referring subjects to a committee? It was to collect information, which, in the ordinary course of legislation, could not conveniently be collected in any other way. But did this House stand in need of information upon the subject sought to be brought to its notice by that petition? Certainly not. It was well understood that it was a subject to which public attention had been long turned, with the most intense interest; that from the river St. Lawrence to the Gulf of Mexico, the best talents of the country had been almost every where engaged in its consideration, and in communicating information to the people. So soon as the excitement over the country commenced, meeting after meeting was called in the southern States, in almost every town and county; discussion after discussion was had before the people; resolution after resolution adopted, until, like a wave from the ocean, it swept over the whole southern country. It resulted in strong appeals to our brethren of the North, to step forth and aid us in putting down these base attempts upon our rights, our property, and our lives. And it was with mingled emotions of pride and pleasure he referred to the fact that these appeals were not made in vain. They too called the people together; meetings were held throughout the whole eastern and northern countries; and the measures adopted by those meetings for a time gave quiet, and, to some extent, allayed the excitement in the South; and it was for gentlemen from the North to say whether we may still rely upon their assurances, by heartily co-operating with us in putting this subject to rest by a direct and decisive vote upon the question.

Mr. J. said it must be obvious that there could be no need of further information on the subject, to enable gentlemen to vote understandingly upon it. Why, then, send it to a committee? Was it believed that the report of a committee was to produce any effect upon the abolitionists? Did gentlemen flatter themselves that the spirit of fanaticism could be checked by a calm, dispassionate, and logical argument? To such he would recommend to read the reports of committees which have been already made on like petitions; and he doubted not but that gentlemen would be satisfied that no benefit was likely to result from the adoption of the same course in reference to the petition before them. So far from that course of proceeding having had a tendency to check the wild spirit of fanaticism now abroad in the land, the reverse was true; for the tables of gentlemen were now groaning under the weight of similar petitions.

The gentleman from Massachusetts [Mr. ADAMS] has referred to his own course, on a former occasion, in reference to this subject. This was commenced in a tone, and in a spirit, which seemed to Mr. J. to bespeak the deep anxiety which he felt to allay the very unpleasant excitement which had began to show itself in the House, and to reconcile, if he could, the causes of discontent which continued to agitate and disturb the people of the South. He viewed the remarks of that gentleman as oil poured out upon the troubled waters. It was, however, but the calm which precedes the storm. At length, lashing himself up to a state of high excitement, he asked what it was the South desired? Was it, said he, to discuss the "sublime merits of slavery?" That was a subject which Mr. J. could not discuss with that gentleman; and, taunt them as he might with their slaves, whose condition they had no agency in producing, and no means of changing, he would take that occasion to say to him that the people of the South held their slaves by a title as secure, by an authority as high and as sacred, as that by which that gentleman held title to his horse, his house, or, to use his own language, "his place upon that floor." They held them under the constitution and laws of the land.

That gentleman [Mr. ADAMS] had also taken occasion to refer the members from the South to Mason and Dixon's line: warning them that every member to the north of that line, who should discuss this subject, would send forth to the world an incendiary pamphlet; and, although that gentleman seemed to speak as one "having authority," he had seen too many evidences not to be satisfied of the error into which he had fallen. He saw assembled here, from every quarter of this widely extended Union, patriots prepared to make every sacrifice upon the altar of their country's good. He lamented to hear what had fallen from the gentleman from Massachusetts upon that subject; he believed that gentleman himself, in his calmer moments, would lament it. The people had cause to lament it. But if that be the course determined upon by gentlemen, the sooner we had it acted out the better. This he would take occasion to say to him: let those threatened pamphlets come when they might, they would be received by the people of the South as it became freemen who knew their rights, and, knowing, dared maintain them.

Mr. J. remarked, in conclusion, that he had felt himself called upon to say thus much in explanation of his own views, with an earnest desire that a direct vote on the subject might be obtained.

Mr. BEARDSLEY said the proposition before the House was simply to reconsider the reference of a paper to the Committee on the District of Columbia.

It would seem very obvious, looking to what had been the express sense of the House, and what was known to be the public and general feeling of the people throughout the country; looking also to the particular circumstances under which this paper had been referred to that committee, that there could be no doubt that when the House should come to decide upon this proposition, it would be carried in the affirmative by an overwhelming vote. They all knew, so far as they knew any thing upon this subject, that the reference which the paper took was by misapprehension, or without the understanding of the House; they all knew it, unless the House might be charged with abandoning the ground it had assumed upon this subject—a charge which was derogatory to its high character, and which he would not make or intimate. It was but a week since that the House, by a decided vote of about 180 to 30, had determined it would not act upon petitions of this character, but would lay them upon the table, with a view that they should sleep the sleep of death. To Mr. B. it was inconceivable that, after that vote, the House would entertain a proposition to give these petitions a different direction. It was clear that the reference given to this petition was by mistake and surprise; and when the House should be able to vote upon it, then the error would be corrected. Bring the paper before the House for its immediate direction, and when thus brought properly before them, we shall see what the House will do with it? And here he would beg leave to suggest to the consideration of the House what was to him most clear. The honorable gentleman from Massachusetts [Mr. ADAMS] fell into a mistake in his recollection of what had been the course of the House heretofore. That gentleman referred to a debate, if the speech of a single member made in the course of the last session, on a petition of a similar character, might be so termed; and Mr. B. understood the gentleman to state, as most undoubtedly was his recollection, that the House, on that occasion, had referred the paper to the Committee on the District of Columbia. Mr. B. had turned to the journal of that day, and he found that on that occasion an honorable member from Virginia, not

now a member of that House, [Mr. Chinn,] moved that the paper should be laid upon the table. The yeas and nays were called for, and ordered, and there the paper was placed by a decided majority of the House. There were then none of the scruples which exist now; no pretence that the vote was evasive. That decision was then taken as the clear, distinct, unequivocal sense of the House, against the propriety of acting upon petitions of that character. The same course had likewise been pursued before the motion made by the gentleman from Virginia to which he had referred, when previous papers of a like character had been repeatedly presented to the House. They had passed on to the table of the Speaker by the silent vote of the House, without having, on any occasion, for the last three or four years, (save on the occasion to which he had referred, and that was a speech by a single member last session,) elicited a debate. And here let him again advert to what must be within the knowledge of every gentleman there, that these votes of the House, thus placing upon the table papers of this character, had at all times been regarded, in the House and out of it, universally, as an expression of the House against the propriety of acting on petitions of this character. Until within the last few days no one had ever thrown a doubt upon the subject. Now, for the first time, they had been told that to put a paper on the table, where it would sleep the sleep of death, was an evasion of the question? Nobody before ever heard of such an evasion! Every one regarded it, as in his estimation they had a right to regard it, as a most decided and unequivocal decision of the House not to entertain and act upon questions of that character. The character of this House could not be mistaken. There were not fifty gentlemen in that body, judging from the votes given, who desired to agitate this subject, or to act upon petitions of this character. The sense of the House had been unequivocally, fairly, and fully expressed by the vote first given, to put the first petition upon the table, and the character of the House had since undergone no change.

Efforts, however, seemed to be making to change the real question to be decided by the House. It was now said that they must come up and give a vote of a different character; that they must either vote that they would not receive petitions of this character, or that, having received them, they would put them out of doors; or they must come to another question, and vote that the House had no constitutional authority to receive and act upon the petitions for the abolition of slavery in the District of Columbia. These, said Mr. B., were new inventions. Let him warn the gentlemen of the South, who stood firm on the vote of 180 to 30, against considering the first petition, not to change the real question, by permitting themselves to be drawn into the controverted position of the powers of that House; or into the controverted and debatable grounds whether they ought to reject petitions of this character; or, having received them, ought to turn them out of doors. If gentlemen from the South, who sincerely desired, as he knew they did, the harmony and peace of the whole Union, if they permitted this question to be changed, they might see from the votes of Friday last, and from the votes of Monday, that no man could decide, or undertake to predict, what in a few days would be the true character of that House. Upon the one subject, and upon the one ground, they stood firm, by a decided vote of 180 or 190 against 30 or 40 or 50; but, upon the other, they would open so wide a field of debate that ultimately, if he judged correctly of the sense of the House, his honest conviction was, they would find themselves in the minority.

Sir, said Mr. B., we go with the South (I speak for myself) against all agitation on this subject, and to put down the fanatics of the North. But, sir, (I give it as my own opinion,) I do not believe the freemen of the North or the freemen of the South ought to, or will, tolerate the idea that they should not be permitted to present their petitions to this body; or that, having presented them, in decent and respectful language, they shall be driven with scorn from our doors.

Mr. B. appealed particularly to the gentlemen from the South. There was no necessity to change their position; they stood firm on the ground already taken. Why should they change it? For what good purpose could they desire to change the character of the question, and involve the House in a difficulty about the right of petition, or in questions of a debatable and exciting character, when such a clear sentiment and feeling, both in and out of the House, and throughout the whole country, had been elicited? Why would gentlemen permit themselves to be drawn into other questions, when the one already assumed and acted upon was a decisive expression of the true feeling of the House? He would warn them that, if they permitted themselves to be put in that new position, they would involve themselves in difficulties they scarcely dream of, and which, in his humble judgment, they ought seriously to deprecate. It was remarked by the honorable gentleman from Massachusetts, [Mr. Adams,] that if this question were gone into, every speech made in that House by gentlemen north of Mason and Dixon's line, would furnish an incendiary pamphlet for the South. In one sense, Mr. B. could believe that remark a just one, and in one sense only. It was, because every speech made under such circumstances, by gentlemen residing north of Mason and Dixon's line, would be perverted, and misinterpreted, and misquoted, by factious and incendiary prints. It was not that every gentleman residing north of that line would desire to make a speech of that character; for he knew that many, a vast proportion of them, almost in the proportion in which the votes of the House had been given, he believed, would deprecate such a result. But they would be so misinterpreted and misquoted by the press that no one could undertake to say that every speech made in that House would not be truly a firebrand thrown into the South. In no other sense could he agree with the gentleman from Massachusetts on that subject.

Mr. B. said it had been a matter of sincere astonishment and regret on his part, that efforts should have been made, undoubtedly under a strong sense of duty, and under a strong belief that it would tend to tranquillize the South, to procure direct votes of the House upon two propositions, upon both of which the debate might be interminable. And would that expression of the House more operate to tranquillize the South, even if it were obtained, than the one already adopted?

It was said that a direct vote of the House that it would not receive such petitions, or that, having received them, it would drive them out of doors, or a direct vote of the House that Congress had no power to legislate on the subject of slavery within the District of Columbia, would go far to tranquillize the South. But what would that vote be? The opinion of gentlemen sent there for two years. And was it certain that that would be the opinion of the next House? Would it furnish any sort of assurance on that subject? It was asking too much. It was enough to ask of that House, and enough for the House to declare, that it would not act upon the subject. That was reasonable; that was unquestionably the sense of the House; and it ought to content gentlemen in every quarter.

The proposition submitted or suggested by the honorable gentleman from Georgia, [Mr. Owens,] did not affirm either point to which he had referred. It did not affirm that Congress had not the power—it did not affirm

that that House would not receive the petitions, but merely and directly and explicitly, that the House was averse, and would not act upon any such subject. That was reasonable, and was precisely equivalent to laying such petitions on the table. Mr. B. believed that those resolutions would meet the cordial and universal approbation of the gentlemen of the North, except those, if any there were, who would be disposed to encourage the getting up of these petitions. The resolutions did not touch the power of the House. It was unquestionable that there was a strong and fixed sentiment of that House and of the whole country on this question. Why, then, permit themselves to change the position they had taken, and involve themselves in the examination of controverted and debatable ground, and thereby lose the high character the House had certainly occupied upon this subject? He did hope sincerely that the motion to reconsider the reference of the petition would be at once adopted, and that they should either lay it on the table, or apply the resolutions of the gentleman from Georgia to it. Pass those resolutions, and they will furnish a clear, direct, and unequivocal expression of the sense of the House that it will in no event act upon the subject.

Mr. SLADE rose to address the House; but, stating that he was much exhausted by the long sitting, asked the House to indulge him with an adjournment, in order that he might express his views.

SUFFERERS BY FIRE IN NEW YORK.

Mr. CAMBRELENG, by leave of the House, offered the following amended bill, for the relief of the sufferers by the fire in New York, stating that the committee, after consultation, had determined upon some alterations, which they thought would render it more acceptable to the House.

The following is the bill as amended:

A BILL for the relief of the sufferers by fire in the city of New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collector of the port of New York be, and he is hereby, authorized, as he may deem best calculated to secure the interests of the United States, to cause to be extended (with the assent of the sureties thereon, to all persons who have suffered loss of property by the late conflagration at that place) the time of payment of all bonds heretofore given for duties as aforesaid, to periods not exceeding an average of three, four, and five years, from and after the day of payment specified in the bonds; or to allow the said bonds to be cancelled upon giving to the said collector new bonds, with one or more sureties, to the satisfaction of the said collector, for the sums of the former bonds, respectively payable in average periods of three, four, and five years, from and after the day of payment specified in the bonds to be taken up or cancelled as aforesaid. And the said collector is hereby authorized and directed to give up or cancel all such bonds upon the receipt of others described in this act; which last-mentioned bonds shall be proceeded with, in all respects, like other bonds which are taken by collectors for duties due to the United States: *Provided, however*, That nothing in this act contained shall extend to bonds which had fallen due before the 17th day of the present month.

SEC. 2. *And be it further enacted by the authority aforesaid*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer to such banks as he may select, as safe depositories of the public treasure, any surplus moneys of the Government, or any part thereof, which may not be required for the public service, and to permit the same to remain in such banks for a period not exceeding twelve months from the passage of this act. Provided that this section shall not interfere with any further regulation of Congress concerning the collection, deposite, distribution, or disbursement of the public moneys.

On motion of Mr. SLADE, the House then adjourned.

WEDNESDAY, DECEMBER 23.

OHIO BOUNDARY.

Mr. J. Q. ADAMS called the attention of the House to the subject of the President's message in relation to the northern boundary of Ohio. It would be recollected, he said, that the subject was referred, ten days ago, to a select committee, at his instance, and the Chair had done him the honor to appoint him chairman of that committee. Subsequently, a motion was made to reconsider the reference of the subject to a select committee. His object in rising was to give notice that, unless the question of reconsideration should be taken up and disposed of to-day, he should feel it his duty to call the committee together, for the purpose of proceeding to consider the subject referred to them.

SLAVERY IN THE DISTRICT OF COLUMBIA.

The House resumed the consideration of the motion of Mr. PATTON, to reconsider the vote referring to the Committee on the District of Columbia, a petition presented by Mr. BRIGGS, from sundry citizens of Massachusetts, praying Congress to abolish slavery in the District of Columbia.

Mr. SLADE, who was entitled to the floor, rose and said he had been charged by a large and respectable portion of his constituents with the duty of presenting memorials of similar import to that under discussion; and for that reason, if for no other, he felt bound to ask the indulgence of the House to a few remarks.

He approached the subject, he said, with an oppressive sense of its magnitude, and knowing its exciting character, of the great danger of being betrayed, in the progress of its discussion, into a state of feeling, unsuited to the place and the occasion. It was a subject on which he, as well as his constituents, felt most deeply; and he could neither represent their feelings, nor express his own, without a plainness and directness which might give offence. He begged gentlemen to believe, however, that he should say nothing intended to give the slightest personal offence to any; though he should, without fear of any, vindicate the petitioners, and assert the claims of those in whose behalf they plead. He regretted to hear the memorialists spoken of in debate as intruders, and their respectful petitions upon a subject of great national importance treated as a vexatious intermeddling with concerns in which they have no interest. Gentlemen must have patience. These petitioners, as far as he was acquainted with them, were among the most intelligent and respectable of the community in which they reside; while the subject of their petitions was one of which it well became them to speak, and the Congress of the United States to hear.

The great purpose (said Mr. S.) of most of those who have hitherto spoken upon this subject seems to be to get rid of the petitions. The gentleman from New York [Mr. BEARDSLEY] wishes to have them all laid on the table, as fast as presented, and "nailed" there; and yet he is exceedingly regardful of the "sacred right of petitioning," which must on no account whatever be impaired. The gentlemen from South Carolina [Messrs. HAMMOND, PICKENS, and THOMPSON] are more consistent. They profess to regard the petitions as disrespectful, and the petitioners as officious meddlers with that which does not concern them. They, therefore,

would have the petitions rejected. There is in this the merit at least of consistency, and the gentlemen have my thanks for evincing a disposition to meet the question fairly. Another gentleman, my honorable friend from Massachusetts, [Mr. Adams,] would have the petitions committed to the Committee on the District of Columbia; in other words, to use his own significant, and, in this case, appropriate language, to have them consigned to the "family vault of all the Capulets;" and yet he, too, is jealous of the "sacred right" of petition! The sacred right of petition!—that is to say, the "sacred right" of being "nailed to the table," by the gentleman from New York, or the "sacred right" of being gathered by the gentleman from Massachusetts into the "family vault of all the Capulets."

Sir, the petitioners well understand the nature of both these rights. The last they have long enjoyed, and desire to enjoy it no longer. They want the action of Congress on the subject, which, judging from the past, they are sure not to have, if it is to depend upon the decisive action of the Committee on the District of Columbia. I intend no disrespect to that committee. To continue to do what has been done--that is, to do nothing—would follow of course a commitment to them, with an express understanding that the petitions were consigned to the tomb, without the hope of a resurrection.

I, sir, (said Mr. S.,) am in favor of the prayer of the petitioners. I believe that Congress has a right to legislate on the subject, and that the time has come when it ought to legislate. Something has been suggested with regard to political objects connected with the presenting of these petitions. Sir, I have no such object, nor do I believe that any such purpose exists in the minds of the petitioners. They are moved by a spirit of philanthropy, and deprecate the mingling of any considerations with this question which may tend to divert attention from its real merits.

Gentlemen, I regret to say, seem willing to overlook the real object of the petitioners, and to go off into denunciations of "abolitionits," to the end that the odium which has been attached to their measures for effecting the abolition of slavery in the States may be transferred to the exercise of an acknowledged right of asking Congress to abolish it in this District. But what do the petitioners ask at our hands? Why, sir, simply that measures may be taken to put an end to slavery here, and especially that here, where the flag of freedom floats over the Capitol of this great republic, and where the authority of that republic is supreme, the trade in human flesh may be abolished. These are the questions which gentlemen are called on to meet, but which they do not meet, either by calling the petitioners "ignorant fanatics," or denouncing them as "murderers and incendiaries." If, in the fervor of their philanthropy, any have adopted measures of more than doubtful expediency, for the purpose of acting on the public sentiment in the slave States, in favor of immediate emancipation, it surely furnishes no reason why we should obstinately shut our eyes to the evils which are within our control, and which call loudly for our interposition.

I have said, sir, that I am in favor of the prayer of the petitioners. Let me not be misunderstood. The abolition of slavery which I would advocate is a gradual abolition. I believe the immediate and unqualified abolition of slavery to be inconsistent with a just regard, both to the best interests of the community, and the highest welfare of the slave. The philanthropy which aims at such an abolition, whatever I may think of its purity, I cannot commend for its intelligence or discretion. But though I would have abolition advance by a gradual progress towards its final consummation, I would have the work begin immediately. Sir, I cannot stand here as a freeman, and the representative of freemen, without declaring, in the face of this House and of the world, that the right to hold men as goods and chattels, subject to sale and transfer, at the will of a master, should cease and be discontinued instantly and forever.

But while I say this, I would not render worse the condition of the slave, by conferring upon him rights which he is not fitted to enjoy, and which would become to him a curse rather than a blessing. I would not, at once, entirely emancipate him from the control of his master. But it should not be, as now, an arbitrary, unqualified control. For that control I would substitute the authority of law, which should be supreme. In saying this, sir, I do but carry out a principle which has long been dear to me as an anti-mason. I have maintained, and still maintain, and shall continue to maintain, as a cardinal principle in my political creed, that, in opposition to all individual, and all associated, self-constituted authority, the laws should be maintained in full and uncontrolled supremacy. There is no being, entitled to the appellation of man, who should not find shelter under the ægis of their broad and ample protection. In applying this principle to the case of the slave, however, I would not confer upon him the same rights which are possessed by his master; and for the obvious reason that he is not fitted to enjoy them. But I would place him under the supervision of laws made for his special benefit, and adapted to his new condition--laws which should essentially qualify the control of the master over him--laws which should protect him in all the rights which he is fitted to enjoy, and prepare him for the enjoyment of those to which it would be but a suicidal philanthropy immediately to admit him. Sir, we owe it to this degraded race of men to prepare them for freedom; to communicate to them moral and religious and literary instruction; to restore and protect the domestic relations among them; to teach them the duties which they owe to God, and to us, and to one another; and to build upon the foundation of a conscious responsibility to the government of Heaven, and the authority of righteous human laws, a social structure which it shall be our glory to rear, and their highest earthly happiness to enjoy.

But, Mr. Speaker, while I thus repudiate the doctrine of the immediate and unqualified abolition of slavery, I maintain the duty of immediately and absolutely abolishing the slave trade within the limits of this District. And here I come to a part of the subject which gentlemen do not choose to approach, but manifestly desire to avoid. In this I commend their prudence. The slave trade is an evil for which they well know there is no defence, and no palliation. I regret, sir, that I have not the means of ascertaining its extent and character within this District. But the fact that I have no such means furnishes a strong argument for referring the petitions to a select committee, raised for the purpose of going into a full investigation, and making a full report of the facts connected with this traffic. I can at present only say, I am well assured that the trade is actively carried on in the cities both of Washington and Alexandria,* especially in the latter, where there is a large re-

* The following advertisements appear, daily, in the principal newspapers in this city:

"CASH FOR 200 NEGROES,

"Including both sexes, from twelve to twenty-five years of age. Persons having servants to dispose of will find it to their interest to give me a call, as I will give higher prices, in cash, than any other purchaser who is now in this market. I can at all times be found at the Mechanics' Hall, now kept by B. O. Sheckel, and formerly kept by Isaac Beers, on Seventh street, a few

ceptacle for the securing of slaves purchased in this District and the surrounding country; from which they are, from time to time, shipped to supply the markets in the southern and southwestern ports of the United States. I need not say that, what is usually connected with the slave trade elsewhere is connected with it here—the forced and final separation of parents and children, of brothers and sisters, of husbands and wives—the utter annihilation of all the endearing relations of human life, and the substitution of the single relation which property bears to its absolute proprietor.

Sir, shall this trade in human flesh be permitted to continue in the very heart of this republic? Shall the law remain upon our statute book, which solemnly pronounces the citizen of the United States who is found engaged in the slave trade upon the high seas "a pirate," and dooms him to "suffer death," while here, in sight of this very Capitol, the same trade is carried on with impunity? Shall our citizens, who make merchandise of men upon the ocean, be hunted as outlaws, while here, the same offenders against the human race are suffered to pursue the guilty traffic unmolested? Sir, this subject demands a searching investigation. Will gentlemen deny such investigation? Shall the petitions which ask for it be "nailed to the table," or "buried in the tomb of all the Capulets?" I trust they will not be thus disposed of, and that no fear of "excitement" will deter us from probing the subject to the bottom, and administering a prompt and effectual remedy.

I have, Mr. Speaker, spoken plainly and decidedly, because it is due to the people whom I have the honor to represent, that I should thus speak. It seems to me, sir, that the sentiments of the people of the North are not fairly understood here on this subject.

An honorable gentleman from New Hampshire [Mr. PIERCE] has said that not one in five hundred of his constituents were in favor of the object of these petitions; and other gentlemen have been understood to assert that the great mass of the northern people are opposed to any action of Congress upon the subject. To sustain this view of the matter, the resolutions of public meetings at the North, disapproving certain measures of the abolitionists, have been adverted to. I am well aware, sir, of the import of those resolutions, and think I understand something of the nature of that public sentiment which they indicate. And I must be permitted to say, that I believe gentlemen are much mistaken in supposing that they furnish evidence that the general sentiment at the North is opposed to the favorable action of Congress upon the memorials which are now on your table. No, sir; the meetings which adopted the resolutions in question were got up with no reference to this subject. What are the facts? The southern country had been suddenly flooded from the North with anti-slavery publications; and northern meetings were, thereupon, convened to disavow a participation in the obnoxious measure, and to express their disapprobation of it. This they did, indeed, in strong, decided language. But let not gentlemen mistake the import of all this. It was the *measure* to which I have alluded which brought into existence these meetings, and it was this against which their proceedings were mainly directed. The question of the abolition of slavery and the slave trade in this District was not agitated. It is not so much as alluded to in the resolutions of the Philadelphia, New York, or Boston meetings; but the doctrine of immediate abolition, and the "extravagant proceedings" (to use the language of the New York resolutions) of the abolitionists, constitute the burden of them all.

Sir, there are very many of those who are disposed to press upon Congress the duty of granting the prayer of these petitions, who did not and do not approve the views and measures to which I have adverted; and it is due to frankness to say, sir, that I am among that number. I have never been able to perceive the expediency or propriety of attempting to inundate the South with even unexceptionable publications on this subject, much less those having a direct tendency to excite the passions of the slave, and tempt him to force the bondage which it is not for him to break, but for others to unloose. I admire, indeed, the purity of the philanthropy which seeks to abolish the institution of slavery, and elevate the degraded children of Africa from the condition of property to the privileges of men; but I deplore its often misdirected zeal, and deprecate the reaction which it is calculated to produce. The abolition of slavery in the States must be their own work. To convince them that the whole system is ruinous and wrong, is not the labor of a day or a year. All the questions connected with this subject are eminently practical questions, and nothing can be more obvious than the danger of failing to accomplish any thing by a premature effort to accomplish at once all that an ardent philanthropy may desire.

I have said that the public sentiment at the North is not understood on this subject. I believe, sir, it is greatly misunderstood. A large majority of the people are opposed to certain views and measures, connected with the proposed abolition of slavery in the States; but they entertain, at the same time, an irreconcilable aversion to the institution of slavery, in all its forms. The most conclusive evidence of this is furnished in all the proceedings at the North, which have been adverted to in this debate, as an index of public sentiment there. Thus the preamble to the Boston resolutions declares, "We hold this truth to be indisputable, that the condition of slavery finds no advocates among our citizens. Our laws do not authorize it; our principles revolt against it; our citizens will not tolerate its existence among them.

This, sir, expresses, I believe, the universal sentiment at the North on this subject. It is a sentiment which is not the production of a momentary excitement, but is deeply seated in the sober and settled convictions of the public mind. And, sir, let me assure gentlemen that no expressions of disapprobation in regard to the measures of "abolitionists," or doubts as to the practicability of immediate emancipation, are to be taken as evidence that the "principles" of the northern people have ceased to "revolt against" slavery; or that they will not avail themselves of every suitable occasion to discuss it, as well as of all reasonable and constitutional means of remedying the evil. The slavery of the States they know they cannot reach, but by moral influence; and that influence they think can be made most effectual through kind and respectful, though earnest and urgent appeals to the southern interest and the southern conscience. But slavery here they regard as within the competency of national legislation, and hold themselves, in common with the whole country, directly responsible for its continuance. And I need hardly say that there is a very general desire that measures may be immediately taken, looking to its final abolition; and especially that what has, by almost the whole civilized world, come to be

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doors below Lloyd's tavern, opposite the Centre market. All communications promptly attended to.

"JAMES BIRCH,

"dec 4—dtf "Washington City."

"CASH FOR 500 NEGROES,

"Including both sexes, from twelve to twenty-five years of age. Persons having likely servants to dispose of will find it to their interest to give us a call, as we will give higher prices, in cash, than any other purchaser who is now or may hereafter come into market.

"FRANKLIN & ARMFIELD.

"Alexandria, April 6—d&sw."

accounted piracy upon the high seas, shall no longer be suffered to go unpunished and unmolested in the capital of this republic.

The venerable member from Massachusetts [Mr. ADAMS] has said, and said truly, that opposition to slavery is, with the people of the North, a religious principle. An honorable gentleman from Virginia [Mr. JONES] replies, by asking, with emphasis, whether it is the religion of the Saviour of men? Sir, I did not expect to hear such a question seriously propounded here. I was not prepared for an intimation that that religion justified the holding of human beings as property. Why, sir, what is the great, leading, moral precept put forth by that Saviour, whose name is thus invoked to sanction the practice of slavery?

"All things whatsoever ye would that men should do unto you, do ye even so to them."

Sir, I will attempt no commentary on this precept. It needs none. I will only say that it contains the seminal principle of the pure and elevated morality of the Christian system—a morality so congenial with the spirit, and so constantly enforced by the example of its Divine author while upon earth.

Now, sir, let gentlemen show me that Africans are not "men," and I will give up the argument. But until this is done, until the declaration is blotted from the Book of Revelation, that "God hath made of one blood all nations of men, to dwell on all the face of the earth," and until this great truth ceases to find a response in every human bosom, shall slavery stand rebuked by this all-comprehensive and sublime precept of the Saviour of men.

But, sir, the religion which contains this precept, also enjoins submission to the "powers that be." The same mouth which uttered it said, "render unto Cæsar the things which are Cæsar's"—a precept coincident with that which exhorts—"servants, be obedient to your own masters; not answering again; not purloining, but showing all good fidelity." The Saviour made it no part of his business, while upon earth, to subvert the existing order of things, or to prescribe specific regulations for the administration of civil government. But he came to redeem men from sin—to write the law of love upon their hearts—to establish principles and proclaim precepts, before whose searching and all-pervading influence the time-honored systems of injustice and oppression shall melt away.

Permit me now, Mr. Speaker, to examine, for a few moments, some of the objections which are urged against the legislation of Congress on this subject.

We are told, in the first place, that this is a question which concerns exclusively the people of this District; that the petitioners have no interest in it, and have no more right to ask Congress to abolish slavery here than they have to petition the Legislature of Virginia to abolish it within her limits.

Sir, the people who have signed these petitions regard themselves as citizens, not alone of the particular States in which they reside, but of the republic. Every interest within the scope of the legislation of Congress is their interest. Every thing which concerns this territory concerns them: its police; the value and security of the public property within its limits; and the safety of the representative bodies annually assembled here. This is the growing capital of a great republic. What may be the absolute or relative increase of its slave population, or how much it may affect the future condition of this District, cannot easily be foreseen. That population amounted, in 1830, to more than 6,000. The time may come when it will amount to ten times that number. And is it of no importance to our country whether its Capitol shall be surrounded by a mass of hardy, independent freemen, ready to peril their lives in defending it, as well as themselves, from the invasion of a foreign power, or whether it shall be guarded by 60,000 slaves, who, instead of rallying in its defence, may hail the invader as an angel of deliverance from their bondage? And is not this subject invested with additional interest, when it is considered that the Congress of the United States will be surrounded by such an amount of such a population? Have the petitioners, then, as a part of the American people, no interest in this question?

And then, too, there is the character of the country, as it may be affected by the institutions within the territory, where the legislative power of that country is supreme. Is slavery tolerated in this District?—the petitioners feel themselves, in some sense, responsible for it. Is merchandise made of men, within sight of the Capitol in which their Representatives are assembled, and on whose summit wave the stripes and the stars of freedom?—as Americans, they keenly feel the reproach, and instinctively reach forth their hands to wipe out the stain from the escutcheon of their country.

But, in the second place, it is asserted that Congress has no right to legislate on this subject; that, however great may be the evil of slavery or the slave trade within this District, it is an evil which must be borne, since authority to remedy it is not to be found among the powers granted in the constitution.

And what are the powers of Congress touching this subject? Is it true that Congress is authorized to extend its legislation to the high seas, even to the very coast of Africa, and to prohibit the traffic in slaves, under the penalty of death, while it is powerless to reach the same evil in the very heart of the republic? If the grant of powers must be so construed—if there is clearly no authority by which the Government can act in this matter, then must we submit to the evil, and wait an amendment of the constitution, which shall make it consistent with itself, and save the country from reproach.

But, sir, fortunately for the country, the constitution, through which we derive our powers, is not thus defective. The power to legislate upon this subject is granted; and that, not by remote implication, but in terms of obvious and familiar import. The 8th section of the first article gives to Congress authority "to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States."

In the first place, let it be observed, the power of Congress to legislate in this District is exclusive. There is no other jurisdiction, either concurrent or conflicting. The jurisdiction of Virginia and Maryland, from which this territory was acquired by cession, is as perfectly excluded as is the authority and jurisdiction of the Emperor of all the Russias.

The exclusive character of the jurisdiction being apparent, the next question is, what is its extent? The answer is in the language of the grant, that it extends to "all cases whatsoever." The framers of the constitution could have employed no language of more comprehensive import than this—"all cases whatsoever." But are there no limitations to this? Certainly. The grant is subject to the limitations which are incident to all legislative power. There are many things which no Legislature can rightfully do. It cannot pass an *ex post facto* law. It cannot, by a mere act of legislation, transfer the property of one individual to another. It cannot authorize the commission of crime. These, and such like limitations, exist in the present case; not because of any thing in the language of the grant, but because they are inherent in the very nature of all legislative power.

Now, will it be seriously contended that the abolition of

slavery and the slave trade is embraced within these implied limitations of legislative power? Is it not within the competency of ordinary legislation? Have not slavery and the slave trade been abolished by many States of this Union; and that not upon the ground, as has been suggested in debate, of interest merely, but because, when thoroughly examined, the pretended right to hold and transfer men as property has been found to rest on no substantial foundation? Indeed, the opposers of these petitions themselves, by laboring as they do to derive a prohibition to legislate on this subject from the constitution, and from the reservations in the cessions of this territory, manifestly betray an unwillingness to trust the claim to exemption from congressional legislation to the natural limitation of legislative power.

It is said, indeed, by the gentleman from Virginia, [Mr. WISE,] that the States which have abolished slavery have not violated the great principle of vested rights, by taking slave property against the consent of the owners and without compensation;" but that they have merely "adopted the *post nati* principle, and declared that rights which did not exist at the time should never exist;" that is, that the issue of slaves, born after a certain future time, should be free. Without stopping to inquire into the correctness of this, in point of fact, but, for the purposes of this argument, admitting it, let me ask what is the difference in principle between depriving an individual of his slave by act of legislation, and of the right to the issue of that slave by the same act? Upon common principles, an absolute right to the one, as property, necessarily carries with it a right to the other; and a farmer would resist, as equal infringements of his rights, an attempt to take away his cattle, and a claim to deprive him of their future progeny.

It would be appropriate here to go into an examination of the right which is claimed to hold men as property, and of the rightful extent of legislation on this subject. But it opens too broad a field for the present discussion, and I will not enter it.

It thus appears that the right to legislate on the subjects of these petitions, which is manifestly included within the terms of the grant of power to Congress, is not excluded by operation of the principles which form the basis of ordinary exceptions to the power of legislation. What is there, then, to exclude from the sweeping grant of power to legislate "in all cases whatsoever," the power in question?

An honorable gentleman from Virginia [Mr. WISE] finds various grounds of implied exclusion in the constitution. He says there are certain admitted exceptions to the legislative power of Congress in regard to this District, which he enumerates; and thereupon proceeds to infer from the fact of these exceptions, that the power in question is also excepted.

Thus, he says that Congress is prohibited by the constitution from suspending the writ of *habeas corpus*, from passing a law respecting the establishment of religion, and from abridging the freedom of speech and of the press, or the right of the people to be secure in their persons, houses, papers, and effects, &c.; and asks if these prohibitions do not extend to the power of Congress to legislate for this District. Most certainly they do; but it is for the obvious reasons that they are unlimited in their terms, and of course necessarily extend to the whole legislation of Congress. Is there any such limitation of the power in question? Why, when the convention was in the act of providing limitations to the powers which had been granted to Congress, in the 8th section of the first article of the constitution, did they omit to limit specifically the power of legislation "in all cases whatsoever," which had been granted to Congress in reference to this District?

Again: The gentleman from Virginia says, if I rightly understand his argument, that the provision of the constitution, that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States," necessarily extends to the District of Columbia, and that Congress must be understood to be prohibited from disfranchising here the citizens of the several States; that is, that it cannot deprive them of the privileges of citizens of the District whenever they come into it. It is true it cannot, because there would be a gross and glaring absurdity in securing, as the constitution does, the rights of citizenship in each State, to citizens of every other State, and, at the same time, denying the rights of citizenship in this District—the common property of all the States—to the citizens of those States. And, besides, the very act of constituting this ten miles square a District of the United States necessarily gives to the citizens of each and all the States common rights in it; not the rights which they each enjoy in their respective States—as the terms in which the gentleman states his argument would seem to imply—because that would constitute twenty-four different rules of action; but the right of each resident and sojourner here, of being protected by the laws made for the District, and the whole District.

The exception, then, of a right to disfranchise a citizen of Virginia who may come here, rests upon a principle having no possible relation to the case in question.

But further: The gentleman from Virginia says that no person held to service or labor in a State, under the laws thereof, escaping into this District, can be discharged from such service or labor, but must be delivered up to the party to whom such service or labor may be due; and that this constitutes an exception from the general power to legislate "in all cases whatsoever" for this District. I admit it does; and why? Plainly because the constitution having expressly secured the right to the slave-owner to reclaim his slave in any and every State of this Union, it would be a clear evasion of it, as well as a manifest absurdity, to deny him that right in a District which is the common property of the very States within which his right of reclamation is secured by the constitution. The exception in this case rests, therefore, substantially upon an express provision of the constitution, which by no possibility of construction can sustain the exception in question.

Again: The constitution provides that "no tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties, in another." And the gentleman from Virginia contends that this prohibition must be regarded as extending to the commerce and the ports of the District of Columbia; and if so, his inference is, that an implied prohibition of the abolition by Congress of slavery and the slave trade in the States must also be taken to extend to this District.

The first clause of the provision of the constitution just referred to was designed to exempt the exports of the country from taxation, and must, of necessity, be taken to extend to all the ports within it; otherwise, the entire object of the clause might be directly defeated. The remaining clauses of the provision, it will be observed, have exclusive reference to the equality of privileges of the several States, which they aim to preserve, by prohibiting Congress from favoring the commerce, or the ports, or navigation of one, at the expense of another. This it might do, in effect, if the ports, and commerce, and navigation of this District might be exempted from the operation of the clauses in question. Thus a preference of the port of Alexandria over that of Baltimore would disturb the equality of privilege which the constitution intended to preserve between Virginia and Maryland.

But what has all this to do with the subject under discussion? The provisions with regard to commerce, &c., do not specifically reach it; and it is only, therefore, from the supposed analogy between the implied limitation of the power of Congress in the cases cited, and the limitation sought to be established in the present case, that an argument can be drawn in favor of the latter. But where is the analogy between an implied prohibition to abolish slavery in the States, and an express prohibition of a preference of the ports of one State over those of another State? There is, indeed, a prohibition in both cases; but here the analogy ceases. If this is sufficient to establish the position of gentlemen, let us see what other positions it may establish. Upon the same ground that Congress is prohibited from abolishing slavery in the State of Virginia, for example, is it also prohibited from forbidding in that State the sale of lottery tickets, and the practice of gambling, and the crime of kidnapping? But could it not have enacted a prohibition of these practices in the city of Alexandria the moment it was ceded to the United States? Could it not, in fact, have rendered valueless establishments for gaming, and receptacles for the kidnapped, which had been erected under the sanction of the laws of Virginia, if those laws had permitted such practices? Would the gentleman from Virginia have exclaimed against the invasion of vested rights, the taking of private property for public use, without compensation?

Again: The gentleman from Virginia says the "local Legislature of this District cannot enter into any treaty, alliance, or confederation, grant letters of marque and reprisal, coin money," &c.; and infers, if I understand him, that because this disability results, as he supposes, by implication, from the inhibition to the States of the exercise of these powers, therefore the assumed disability of Congress to abolish slavery and the slave trade in this District may, in like manner, result from its want of power to put an end to these evils in the States.

The whole of this argument rests on a false supposition with regard to the source of the inability of Congress, as a Legislature for this District, to make treaties, grant letters of marque, and coin money; and falls to the ground when it is perceived that that inability results, not from the inhibition to the States of the exercise of such powers, but from their utter inconsistency with both the purposes for which the power to legislate over this District was granted, and the relation which the District evidently bears to the Union.

The gentleman from Virginia next proceeds to lay down the following general rules to restrain legislation over this District:

1. "That nothing which Congress is expressly prohibited by the constitution from doing as a national Legislature, can it do as a local Legislature for the District of Columbia."

2. "That all the duties and obligations which the States are bound by the constitution to discharge and observe, from one to the other, the District of Columbia, or its Legislature, is bound to discharge and observe towards the States, respectively."

3. "That the local Legislature of the District of Columbia can do no act, or pass no law, which the States are prohibited from doing or passing, by the constitution."

And how, let it be asked, do these rules affect the present question? No express prohibition to legislate on the subject of State slavery is found in the constitution, unless it be in the amendment which provides that "the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." But if Congress cannot legislate on the subject of slavery in this District, because the right to legislate upon it in the States is "reserved to the States," how is it to legislate for the District at all? The subjects of every-day legislation for the District are subjects upon which Congress has no power to legislate for the States, and are, therefore, according to the gentleman's argument, subjects on which it has no right to legislate here.

And how does the gentleman's second rule touch this subject? Are the States bound, by their "duties and obligations" towards each other, to refrain from abolishing slavery and the slave trade within their respective limits? Nobody pretends this.

Many States have done it, and many more may yet do it, for any thing that can be found to the contrary in the constitution. And can any greater evil result to any of the slave States from the exercise of a power by Congress to abolish slavery and the slave trade within the limits of this District, than would result from the exercise, by the States, of their admitted power of doing the same thing within their limits? May not Maryland, for example, if she chooses, put an end to these evils within her limits? And would not the exercise of the power be as dangerous to the peace of the South, as would be the exercise of the same power by Congress in regard to this District?

And has the gentleman's third rule a more appropriate application to the present question than either of the others? To what purpose, in reference to this argument, is it to say that Congress can pass no law in reference to this District which the States are prohibited from passing? Are the States prohibited from passing laws abolishing slavery and the slave trade within their respective limits?

The gentleman from Virginia says the constitution declares that "private property shall not be taken for public use, without just compensation." Supposing this to have any application to the present case, it only involves the inquiry, whether slaves can be rightfully emancipated by legislative authority, without providing a just compensation for their masters. This touches a question which I will not now discuss, namely: what is the foundation of the right to the slave, which is said to be vested in the master? Congress, however, are not asked to take private property for public use; but to free the African from the unnatural condition of being the property of another, to the end, not that he may become the property of the public, but the proprietor of himself. But this is not all that we are called on to do. We are asked to prohibit men from making merchandise of their fellow-men; from buying and selling them "to get gain." Do gentlemen talk of a compensation to the slave merchant for the loss of such a privilege? Do they even touch the subject of the slave trade within this District? Dare they do it? Are there any "vested rights" in the way of legislation on this subject? Is there any question about "compensation" involved?—any limitation growing out of "the nature of society, and of government," to which the gentleman from Virginia refers?—any express or implied infringement of the rights of the States?—any kind of obstacle, in short, but the want of a will in those who have the power to put down this abominable traffic?

Having thus attempted to show that the power of Congress to legislate on the subjects of these petitions, obviously included in the power to "exercise exclusive legislation in all cases whatsoever," is not restrained by any natural limitations of legislative power, nor by any express or implied limitations to be found in the constitution, the question arises, Where is the limitation to be found, for which gentlemen so earnestly contend? I am answered, in the acts of cession, by which the States of Virginia and Maryland ceded the territory which forms this District to the United States. These acts, say gentlemen, are conclusive upon the subject. Let us see, then, if these States did, in making the cessions, actually impose restrictions at variance with the plain language

of the constitution; and whether Congress accepted grants thus restricted.

The cession from Virginia was made by act of the Legislature of that State, on the 3d of December, 1789, in the following words:*

"*Be it enacted by the General Assembly*, That a tract of country, not exceeding ten miles square, or any lesser quantity, to be located within the limits of the State, and in any part thereof, as Congress may by law direct, shall be, and the same is hereby, forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right, and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the constitution of the Government of the United States."

This grant, it will be perceived, transfers to the United States "exclusive jurisdiction of soil and persons residing or to reside thereon;" and adds, "pursuant to the tenor and effect of the eighth section of the first article of the constitution of the Government of the United States;" that is, pursuant to that part of the constitution which, as we have seen, expressly grants to Congress the power "to exercise exclusive legislation in all cases whatsoever." Here, then, instead of a restriction of the jurisdiction contemplated in the constitution, there is, both in direct terms and by reference to that instrument, an express and clear confirmation of it.

But, say gentlemen, there is a proviso, which follows this grant, that contains the limitation contended for. Let us see. The proviso is as follows: "Provided that nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States." Now, sir, is it not apparent, upon the slightest inspection of this proviso, that it limits the grant only so far as it extends to the soil, and was designed merely to protect the rights of individuals therein (that is, in the soil) from the operation of that part of the cession which grants "the tract of country" to the United States "in full and absolute right?" It seems to me, indeed, that, so far from limiting the grant in reference to the subject-matter now under consideration, this very proviso does, in effect, confirm it; since an express exception of one species of right from the operation of the grant, and one only, would seem to imply an exclusion of all other exceptions. It is, indeed, altogether incredible that the Legislatures of Virginia and Maryland should have intended to restrict the United States in their power over the subject of slavery, without using language which would directly, or by clear implication, reach the case.

The gentleman from Virginia [Mr. WISE] gives additional force to this argument by asking—"Why was the cession required? Why was their [the ceding States] consent to the purchase of places required by the constitution, if it was not to give the States the power of imposing condition and restraint upon your legislation over the ceded territory?"

"The power of imposing condition and restraint!" Very well. If this was the purpose, the States of Virginia and Maryland of course understood it, and would take care to impose, in their grants, all the conditions and restraints upon the legislation of Congress which they thought proper; and to do it so plainly that even the wayfaring man need not err in regard to them. Now, where are the conditions and restraints on which gentlemen rely? I have recited the whole; and who will say that they embrace any restraint upon the power of Congress touching the subject under consideration? Is not the omission, upon the gentleman's own view of the subject, decisive of the question?

But the gentleman, having looked into the grant, and seeing that no such "condition and restraint" was imposed there, seeks to find it in "the nature of society and government in Maryland and Virginia," which he says is "of itself, independent of conditions expressed in the acts of cession, sufficient to restrain your power of legislation over this subject." Thus, at one moment, a cession was provided for in the constitution, to the end that the ceding States might impose condition and restraint upon the legislation of Congress; and, at the next, "the nature of society and government in Maryland and Virginia is of itself a sufficient restraint," without any thing expressed in the grant!

But, Mr. Speaker, what is the condition of the people of this District in regard to this important subject, if the power contended for is not granted to Congress? Maryland and Virginia, possessing the power to abolish slavery and the slave trade within their respective limits, had the power of doing it within the territory which now composes this District. But they possess it no longer. Their jurisdiction here is extinguished. The inhabitants of the territory are transferred to the United States, entirely divested of all civil jurisdiction, with no power to legislate on this or any other subject, but subjected to the "exclusive legislation" of Congress in "all cases whatsoever." However much they may, at any time, desire to free the territory from the curse of slavery and the slave trade, they are powerless. For any thing that they can do, by the force of law, they and their children, and their children's children, to the latest time, must be doomed to see among them a traffic which makes merchandise of the bodies and the souls of their fellow-men; which marches through their streets, chained together, companies of human beings destined to the slave prison and the slave ship; and which agonizes their moral sensibilities by a severance of all the ties which bind man to his fellow-man, in the most valued and endeared relations of human life.

I have thus shown that the power given to Congress over this subject, by the general grant in the constitution, is affected, neither by the natural limitations to the exercise of legislative power, nor by any limitation, express or implied, in the constitution itself, nor by any contained in the cessions of this territory by the States of Maryland and Virginia.

But the petitioners are here met with another objection to granting the prayer of these petitions. It is made a question of public safety. To begin the work of abolishing slavery, and to banish the detestable traffic in human flesh from this District, will, we are told, tend to excite a spirit of insurrection in the southern States; and gentlemen give full rein to their imaginations in depicting the horrors of rape, rapine, and murder, which will follow. I do not permit myself to doubt the perfect sincerity of gentlemen in these gloomy forebodings. I know they are in a position to see what I cannot see, and feel what I cannot feel. I will not allow myself to trifle with their views or feelings on this subject, though I must be permitted to doubt the correctness of the one, and the justness of the other.

And may I not well doubt? It is true I do not profess a very familiar acquaintance with the disposition of the slave population, or the probable influence upon them of a discussion of, and action upon, this subject. And while I would hesitate to oppose my own individual opinion to the assertions of honorable gentlemen, so confidently made, they must permit me to confront them, not altogether with my own opinions, but with the authori-

* The grant from Maryland was made on the 19th of December, 1791. It is in the same language as the grant from Virginia, and is limited by the same proviso. —*Note by Mr. S.*

ty of intelligent and respectable slaveholders themselves.

I hold in my hand a petition presented to this House in the year 1828, signed by more than eleven hundred citizens of this District, praying for the abolition of slavery and the slave trade within its limits. It was referred to the Committee on the District of Columbia, and remained unacted on until the last session, when it was called up, on motion of an honorable member from New Hampshire, [Mr. HUBBARD,] and ordered to be printed, with the names of the signers. I send it to the Chair, and ask that it may be read by the Clerk.

Here Mr. GARLAND, of Virginia, interposed, and said he should object to the reading of that and all other petitions on the subject, unless the gentleman used it as a part of his argument.

Mr. SLADE replied that he intended so to use it, and should read it himself, but, being exhausted, he wished it read by the Clerk.

Mr. GARLAND withdrew his objection, and consented to the reading, as an act of courtesy to Mr. S.

The petition was then read by the Clerk, as follows:

"*To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:*

"We, the undersigned, citizens of the counties of Washington and Alexandria, in the District of Columbia, beg leave to call the attention of your honorable body to an evil of serious magnitude, which greatly impairs the prosperity and happiness of this District, and casts the reproach of inconsistency upon the free institutions established among us.

"While the laws of the United States denounce the foreign slave trade as piracy, and punish with death those who are found engaged in its perpetration, there exists in this District, the seat of the National Government, a domestic slave trade scarcely less disgraceful in its character, and even more demoralizing in its influence. For this is not, like the former, carried on against a barbarous nation; its victims are reared up among the people of this country, educated in the precepts of the same religion, and imbued with similar domestic attachments.

"These people are, without their consent, torn from their homes; husband and wife are frequently separated and sold into distant parts; children are taken from their parents, without regard to the ties of nature; and the most endearing bonds of affection are broken forever.

"Nor is this traffic confined to those who are legally slaves for life. Some who are entitled to freedom, and many who have a limited time to serve, are sold into unconditional slavery; and, owing to the defectiveness of our laws, they are generally carried out of the District before the necessary steps can be taken for their release.

"We behold these scenes continually taking place among us, and lament our inability to prevent them. The people of this District have, within themselves, no means of legislative redress, and we therefore appeal to your honorable body, as the only one invested by the American constitution with the power to relieve us.

"Nor is it only from the rapacity of slave traders that the colored race in this District are doomed to suffer. Even the laws which govern us sanction and direct, in certain cases, a procedure that we believe is unparalleled, in glaring injustice, by any thing at present known among the Governments of Christendom. An instance of the operation of these laws, which occurred during the last summer, we will briefly relate.

"A colored man, who stated that he was entitled to freedom, was taken up as a runaway slave, and lodged in the jail of Washington city. He was advertised, but no one appearing to claim him, he was, according to law, put up at public auction for the payment of his jail fees, and sold as a slave for life! He was purchased by a slave trader, who was not required to give security for his remaining in the District, and he was, soon after, shipped at Alexandria for one of the southern States. An attempt was made by some benevolent individuals to have the sale postponed until his claim to freedom could be investigated; but their efforts were unavailing; and thus was a human being sold into perpetual bondage, at the capital of the freest Government on earth, without even a pretence of trial or an allegation of crime.

"We blush for our country while we relate this disgraceful transaction, and we would fain conceal it from the world, did not its very enormity inspire us with the hope that it will rouse the philanthropist and the patriot to exertion. We have no hesitation in believing your honorable body never intended that this odious law should be enforced: it was adopted with the old code of Maryland, from which, we believe, it has been expunged since the District was ceded to the General Government.

"The fact of its having been so recently executed, shows the necessity of this subject being investigated by a power which we confidently hope will be ready to correct it.

"We are aware of the difficulties that would attend any attempt to relieve us from these grievances by a sudden emancipation of the slaves in this District, and we would, therefore, be far from recommending so rash a measure. But the course pursued by many of the States of this confederacy, that have happily succeeded in relieving themselves from a similar burden, together with the bright example which has been set us by the South American republics, proves, most conclusively, that a course of gradual emancipation, to commence at some fixed period, and to take effect only upon those who may thereafter be born or removed into the District, might be pursued without detriment to the present proprietors, and would greatly redound to the prosperity and honor of our country.

"The existence among us of a distinct class of people, who, by their condition as slaves, are deprived of almost every incentive to virtue and industry, and shut out from many of the sources of light and knowledge, has an evident tendency to corrupt the morals of the people, and to damp the spirit of enterprise, by accustoming the rising generation to look with contempt upon honest labor, and to depend for support too much upon the labor of others. It prevents a useful and industrious class of people from settling among us, by rendering the means of subsistence more precarious to the laboring class of whites.

"It diminishes the resources of the community, by throwing the earnings of the poor into the coffers of the rich; thus rendering the former dependant, servile, and improvident; while the latter are tempted to become, in the same proportion, luxurious and prodigal.

"That these disastrous results flow from the existence of slavery among us, is sufficiently conspicuous, when we contrast the languishing condition of this District, and the surrounding country, with the prosperity of those parts of the Union which are less favored in point of climate and location, but blessed with a free and industrious population.

"We would, therefore, respectfully pray that these grievances may claim the attention of your honorable body, that a law of Congress may be enacted, declaring that all children of slaves, born in the District of Columbia after the fourth day of July, eighteen hundred and twenty-eight, shall be free at the age of twenty-five years; and that those laws, which authorize the selling of supposed runaways for their prison fees or maintenance, may be repealed.

"And, also, that laws may be enacted to prevent slaves from being removed into this District, or brought

in for sale, hire, or transportation; without, however, preventing members of Congress, resident strangers, or travellers, from bringing and taking away with them their domestic servants."

Mr. PATTON inquired whether the gentleman from Vermont could inform him how many of the signers were slaveholders.

Mr. GARLAND made a further inquiry whether the gentleman from Vermont knew if they were all inhabitants of the District.

Mr. SLADE replied, he could not inform the gentleman how many of the signers were slaveholders. He personally knew some of them, and knew them to be owners of slaves. The list of names, some of which he read, embraced men of all the professions and employments in the District—judges, lawyers, physicians, merchants, mechanics, and laborers.

As to the question, (said Mr. S.,) whether all the signers were inhabitants of this District, I cannot, of course, answer it. I can only say that the petition was presented to this House seven years ago, and has remained on file in the Clerk's office ever since, open to inspection; and that it has been, during the past year, among the published documents of this House; and, moreover, that it purports on its face to be a petition of inhabitants of this District. Under these circumstances, I submit whether there is not a sufficient presumption that it is what it purports to be, to put gentlemen upon proof of the contrary.

And now, Mr. Speaker, let me entreat gentlemen to look into this petition. I do this the more earnestly, because they will find the names of many there, whom, I am persuaded, they will not be inclined to charge either with ignorance or fanaticism; but on whose truth and intelligence and judgment they will place the most confident reliance. They state facts which they are in a condition to know, and advance opinions, the soundness of which is not liable to be affected by "northern prejudices" on this subject. They are in the midst of slavery, and understand what it is. They have witnessed the slave trade, and know something of its horrors: and without any of the doubts of gentlemen in regard to the power of Congress on this subject, and without any of the apprehensions with regard to the effect of its discussion upon the public peace and safety, which has been made the subject of such glowing descriptions and gloomy anticipations, here and elsewhere, they fearlessly announce the truth in regard both to slavery and the slave trade, and urgently appeal to Congress, "as the only body invested by the American constitution with power to relieve them."

I submit, Mr. Speaker, whether it is not time that these petitioners, sustained as they are by the concurrent supplications of their northern brethren, should be heard and regarded; and whether the fact that eleven hundred citizens of this District have signed the petition which has just been read, is not a sufficient reply to the argument which has been drawn from considerations connected with a regard to the public safety.

But further: The subject of the abolition of slavery, it is well known, was fully debated in the Legislature of Virginia in the year 1832, when the "injustice, tyranny, and oppression" of the slave system were openly and boldly maintained;* and an effort was seriously made to commence a system of abolition which should look to the final, and not distant, extinction of slavery in that State. And did that discussion produce any symptoms of insurrection among the slaves? No, sir. And why, indeed, should it? If you, sir, were the owner of one hundred slaves, and should seriously set about measures to give them the boon of freedom, do you think the first intimation of it would beget in them a spirit of rebellion, and that it would rise in proportion as you should advance your benevolent plans towards their consummation? To suppose this, is to suppose—what I want evidence to believe of the African race—that they are so lost to gratitude as to find no inducement to its exercise in such a manifestation of benevolent regard for them as this.

Suffer me, sir, to dwell a few moments longer on the indications of opinion in Virginia on this subject, pending the agitation of the question in the Legislature of that State. While the subject was before a committee of the Legislature, the editor of the Richmond Enquirer, a well known leading public journal at the seat of Government of Virginia, said:

"It is probable, from what we hear, that the committee on the colored population will report some plan for getting rid of the free people of color. But is this all that can be done? Are we forever to suffer the greatest evil which can scourge our land not only to remain, but to increase in its dimensions? 'We may shut our eyes and avert our faces, if we please,' (writes an eloquent South Carolinian, on his return from the North a few weeks ago,) 'but there it is, the dark and growing evil, at our doors; and meet the question we must at no distant day. God only knows what it is the part of wise men to do on that momentous and appalling subject. Of this I am very sure, that the difference—nothing short of frightful—between all that exists on one side of the Potomac, and all on the other, is owing to that cause alone. The disease is deep seated; it is at the heart's core; it is consuming, and has all along been consuming, our vitals; and I could laugh, if I could laugh on such a subject, at the ignorance and folly of the politician who ascribes that to an act of the Government, which is the inevitable effect of the eternal laws of nature. What is to be done? Oh! my God! I don't know, but something must be done.'

"Yes, something must be done; and it is the part of no honest man to deny it; of no free press to affect to conceal it. When this dark population is growing upon us; when every new census is but gathering its appalling number upon us; when within a period equal to that in which this federal constitution has been in existence, those numbers will increase to more than 2,000,000 within Virginia; when our sister States are closing their doors upon our blacks for sale; and when our whites are moving westwardly in greater numbers than we like to hear of; when this, the fairest land on all this continent, for soil and climate and situation combined, might become a sort of garden-spot if it were worked by the hands of white men alone, can we, ought we to sit quietly down, fold our arms, and say to each other, 'well, well, this thing will not come to the worst in our day? We will leave it to our children and our grandchildren and great grandchildren to take care of themselves, and to brave the storm? Is this to act like wise men? Heaven knows we are no fanatics. We detest the madness which actuated the *Amis des Noirs*. But some-

* The gentleman who opened the debate on the side of abolition, said: "It was a truth held sacred by every American and by every republican throughout the world, and he presumed it could not be denied in that hall, as a general principle, that it is an act of injustice, tyranny, and oppression, to hold any part of the human race in bondage against their consent. That circumstances may exist which may put it out of the power of the owners, for a time, to grant their slaves liberty, he admitted to be possible; and if they do exist in any case, it may excuse, but not justify, the owner in holding them. The right to the enjoyment of liberty is one of the most precious, inherent, inalienable rights which pertain to the whole human race, and of which they can never be divested, except by an act of gross injustice."

thing ought to be done. Means, sure but gradual, systematic but discreet, ought to be adopted for reducing the mass of evil which is pressing upon the South, and will still more press upon her the longer it is put off. We ought not to shut our eyes nor avert faces. And though we speak almost without a hope that the committee or the Legislature will do any thing at the present session to meet this question, yet we say now, in the utmost sincerity of our hearts, that our wisest men cannot give too much of their attention to this subject, nor can they give it too soon."

The honorable gentleman from Virginia will suffer me to commend this expression of sentiment to the deliberate attention which the high standing and responsible position of its author, and the peculiar circumstances under which he wrote, eminently entitle it. Especially would I commend to the honorable gentleman from South Carolina the declaration of the "eloquent South Carolinian," imbodied in the article I have just read. The able editor of the Richmond Enquirer, and his eloquent correspondent, both had a near view of the evils of slavery, and describe them in a language which at once attests their sincerity, and commands assent to the correctness of their views upon this "momentous and appalling subject."

I will add, that the other leading paper at the capital of Virginia, the Richmond Whig, made about the same time the following declaration:

"We affirm that the great mass of Virginia herself triumphs that the slavery question has been agitated, and reckons it glorious that the spirit of her sons did not shrink from grappling with the monster. We affirm that, in the heaviest slave districts of the State, thousands have hailed the discussion with delight, and contemplate the distant but ardently desired result, as the supreme good which a benevolent Providence could vouchsafe to their country."

Mr. Speaker, if it was "glorious" and safe for Virginia to "grapple with the monster" in 1832, is it inglorious and unsafe for the Congress of the United States to grapple with the same monster now?

Suffer me, Mr. Speaker, to present one more expression of opinion on this subject. I leave Virginia, and go over the mountains into the valley of the Mississippi; and I there find the following recent resolution of the Synod of Kentucky upon the subject of emancipation:

"*Resolved*, That a committee of ten be appointed, to consist of an equal number of ministers and elders, whose business it shall be to digest and prepare a plan for the moral and religious instruction of our slaves, and for their future emancipation, and to report such plan to the several Presbyteries within our bounds, for their consideration and approval."

The committee appointed under this resolution, of whom John Brown, Esq. was chairman, and the Rev. John C. Young, President of Danville College, secretary, made a report, in which, among other things, they say:

"1. A part of our system of slavery consists in depriving human beings of the right to acquire property. 2. The deprivation of personal liberty forms another part of our system of slavery. 3. The deprivation of personal security is the remaining constituent of our system of slavery." Its effects are said to be: "1. To deprave and degrade its subjects, by removing from them the strongest natural checks to human corruption. 2. It dooms thousands of human beings to hopeless ignorance. 3. It deprives its subjects, in a great measure, of the privileges of the gospel. 4. This system licenses and produces great cruelty. 5. It produces general licentiousness among the slaves. 6. This system demoralizes the whites as well as the blacks. 7. This system draws down upon us the vengeance of Heaven."

These several points, in their order, are illustrated and enforced at length. Then follow confutations of the various arguments of the defenders of the system. Then—

"As the conclusion of all that has been advanced, we assert it to be the unquestionable duty of every Christian to use vigorous and immediate measures for the destruction of this whole system, and for the removal of all its unhappy effects. Both these objects should be contemplated in his efforts."

Mr. Speaker, is it regarded by good and intelligent men in Kentucky as safe openly to recommend a "destruction of the whole system of slavery?" and shall we be quailing before the dangers of doing it in the District of Columbia?

But, sir, I have another authority on this subject. I return from the valley of the Mississippi to this District, and looking into the United States Telegraph of the 4th of September last, I find the following: Speaking in the name of the southern people, the editor says:

"We hold that our sole reliance is on ourselves: that we have most to fear from the gradual operation on public opinion among ourselves, and that those are the most insidious and dangerous invaders of our rights and interests, who, coming to us in the guise of friendship, endeavor to persuade us that slavery is a sin, a curse, an evil. It is not true that the South sleeps on a volcano—that we are afraid to go to bed at night—that we are fearful of murder and pillage. Our greatest cause of apprehension is from the operation of the morbid sensibility which appeals to the consciences of our own people, and would make them the voluntary instruments of their own ruin."

So, then, the fears are not of insurrection, but of conscience; not of the physical force of the slaves, but of the power of "public opinion!"

Need I, Mr. Speaker, repeat the expression of my sincere conviction that the fears expressed by gentlemen on this floor are groundless? And is it not apparent that the true ground of fear on this subject is to be found in a continuance of the "dark and growing evil," so well described by the "eloquent South Carolinian," to which our attention has been directed? Permit me to add, in the language of the Richmond Enquirer, in the article I have read, that "our wisest men cannot give too much attention to this subject, nor can they give it too soon."

But there is another objection sometimes urged against legislating on the subject of slavery, which must not be overlooked in this discussion. Every attempt to disturb the existing relation of master and slave, it is said, tends to disturb the balance of the constitution, inasmuch as it was among the compromises which entered into the formation of that instrument, that three fifths of the slaves should be represented in this body.

Now, sir, in the first place, let it be observed that we are not asked to legislate on the abolition of slavery in Virginia or South Carolina, but in the District of Columbia; and that our legislation disturbs the balance of the constitution only by the influence of its example upon the slaveholding States.

In the second place, I contend that a just exercise of all the powers granted in the constitution can never disturb its true balance, but is itself the preservation of that balance.

If the constitution authorizes Congress to abolish slavery in the District of Columbia, and the tendency of the exercise of that power should be to abolish slavery in the slave States, and thus reduce their representation in this body, it is a constitutional result, of which no State has a right to complain. As well might we complain of the abolition of slavery in the West India islands by Great Britain, because its tendency is to produce the

same result in the United States. Neither Congress, in the one case, nor Great Britain, in the other, is under any responsibility for the consequences of a rightful exercise of power—I mean a responsibility to the constitution in the one case, and the law of nations in the other.

But, sir, the balance of the constitution is already disturbed in the other direction. When the constitution was adopted, the Mississippi on the west, and Florida on the south, formed the limits of the confederated republic. For any thing contemplated in the constitution, these boundaries formed impassable limits, beyond which a slave population could not bring into Congress a representation upon that basis. The purchases of Louisiana and Florida have added two additional slave States, and will probably, ere long, add two more. And do gentlemen reflect how much this has disturbed the balance of the constitution?

But this is not all. The balance, in point of fact, has been disturbed, and must be more so, by the great relative increase of the slave population of the South, and the diminution, almost the extinction, of it at the North. And although this is not, of course, an unconstitutional increase, yet it is obvious that the enormous and alarming relative increase of the slave population, compared with that of the whites, was not within the contemplation of the men who formed the constitution.

Thus, in the four Atlantic States south of the Potomac, the increase of the whites from 1790 to 1830 was 84 per cent.; while that of the slaves was, during the same period, 136 per cent. In South Carolina the disproportion was still greater; the increase of the whites, during the same period, having been 94 per cent., while that of the slaves was 194 per cent.

To what results, Mr. Speaker, are the principles which produce such a disproportionate increase of population to lead us? What will, in the progress of fifty years, become of the balance of the constitution? These are questions which deeply concern the free States.

But there is another question which comes home to the slave States with tremendous and appalling interest. What will be their condition half a century hence in reference to this subject? That period will roll away; and the principles which govern the advance of the slave population will continue to operate! And yet gentlemen say, "hands off"—let us alone. "We will leave it to our children, and our grandchildren, and our great-grandchildren, to take care of themselves, and to brave the storm!"

But, sir, I will pursue this train of thought no farther. I leave it, and with it the subject which the House has so kindly indulged me in discussing.

Deeply convinced, sir, that the petitioners have a right to ask us to abolish slavery and the slave trade within this District, and that we have not only the right, but that it is our bounden duty forthwith to commence the one, and to begin and finish the other, I must ask, when the proper time shall come, that the petitions shall be referred to a select committee, to the end that they may have the speedy and decisive action of this body. It seems to me to be due to the great importance of the subject that they should be thus disposed of. Sir, we must not bury these petitions. And let me say to gentlemen, that such a policy will certainly defeat itself. You cannot smother investigation of this subject. Sir, the spirit of free inquiry is the master spirit of the age. It bows to the authority of truth and reason and revelation, but it bows to nothing else. It must have free course, and it will have it; giving life and soul and energy to the march of liberal principles, and destined to shake every institution on earth which does not recognise the "inalienable rights" of man, and bow to the supremacy of just and equal laws. And, sir, it shall move onward, and onward, and onward, until every kindred, and tongue, and people under heaven shall acknowledge and glory in the great truth that "all men are created equal."

When Mr. SLADE had concluded—

Mr. J. GARLAND said he rose under deep and painful feelings. I had hoped, said he, that the violent and pernicious designs of a few disaffected fanatics of the North would have been long since silenced, and the recent votes of this House had inspired me with the fond hope that, upon this floor at least, I never should have been called upon to vindicate my fellow-citizens of the South against the false and foul charges of piracy and man stealing, so repeatedly and lavishly made against them. But, sir, this question has assumed an aspect that forbids me to be silent; and I should be recreant to the feelings and interests of the people who have confided to me the duty of representing their feelings and interests upon this floor, if I could stand by patiently, quietly, and submissively, and not repel the strong insinuations, unfounded aspersions, and foul calumnies, cast upon them, and roll back the waves of calumny upon those who have attempted to cast them upon us.

Sir, the honorable gentleman who last addressed the House [Mr. SLADE] has, in effect, by giving a direct contradiction to the representations of other gentlemen in relation to the number and feelings of the abolitionists of the North, done much to unhinge and loosen every feeling of confidence which I heretofore felt on this subject, in consequence of the action of the northern people during the last summer and fall, and the declaration of other of their representatives on this floor, in relation to this agitating, this dangerous subject. Honorable gentlemen from that section of the Union tell us there is a strong feeling of sympathy in the North for the people of the South. Ay, while some of them tell us, and assure us, too, that not one in five hundred among the people there favor the abolitionists or their schemes, another gentleman (the honorable member from Vermont) from that section of country tells us that those gentlemen have grossly mistaken the feelings of their own people. This gentleman [Mr. SLADE] tells us he speaks not only the sentiments and feelings of the people of his own district, but of the whole people of the North; and that they are strongly in favor of the schemes of these memorialists. Is it so, Mr. Speaker? Is it true, then, sir, that those honorable gentlemen have disguised and misrepresented the true sense and feelings of the people of the North, and that the gentleman from Vermont is better acquainted with their true character and true feelings upon this question than their own representatives, and has fairly developed them? If he is, sir, and if he does speak truly, and if the people of the North do maintain these opinions, I, sir, thank the gentleman, in the name of the southern people, that he has frankly disclosed to us the fact, and has disclosed it in seasonable time. I thank him that he has prepared us for the assault that awaits us, by warning us of its approach. I thank him that he has undeceived our confidence, and aroused our jealousy. But, Mr. Speaker, I do venture to hope, however, and believe, that the gentleman has deceived himself, (although I do not doubt his sincerity,) and has mistaken the true feelings of the northern people. I still confide in the declarations of the gentleman from New Hampshire, [Mr. PIERCE,] and others who agree with him, and shall not abandon my hopes till further developments satisfy me that my confidence is misplaced. I cannot but express my admiration of the peculiar adroitness and skill with which the gentleman from Vermont approached this subject. But while I give the gentleman full credit for the skill and adroitness he used in contriving to bring this whole question before us, I must confess, and I mean it in no offensive sense, I

dislike the disingenuous avowal of sympathy under which he commenced his attack, and the attempted concealment of the real views of these petitioners. The honorable gentleman professes great kindness for us—his benevolence for us is very expanded! He means no offence! He does not mean to call us land pirates and man stealers! Oh, no! But then, says the gentleman, that system among you is a system of land piracy—a merchandise in human flesh! The gentleman does not mean to hurt us; oh, no; but he means to assail our rights, and destroy our property, out of mere benevolence, mere kindness to us! While he smiles in our faces, he drives the dagger to our hearts! You, he says, are not pirates and man stealers; but your system of slavery is, in every mien and every form, a system of piracy and man stealing—accompanying the charge with every opprobrious epithet which the honorable member could string together. This, sir, is kindness with a vengeance, for which we have no thanks to return to the honorable member from Vermont.

I beg leave, Mr. Speaker, before entering further upon the subject before me, to make a single remark in relation to what fell from the venerable member from Massachusetts, [Mr. Adams.] That gentleman said he had no wish to be forced into a discussion on the "sublime merits of slavery." Let me ask the gentleman, when he speaks of the "sublime merits of slavery" in the ironical sense he intended the remark, to cast his eyes upon that picture [pointing to the portrait of General Washington] of the Father of his Country, and stand rebuked by the recollection of his virtues and his deeds. When the people of the North were weak, and assailed by a cruel and unrelenting enemy, and struggling for their rights and their liberties, that man, at the head of a determined and resolute band of slaveholders, rushed to their rescue. He and his companions in arms left their wives, their children, their domestic firesides, their farms, their all, risked every thing they possessed, hazarded all they held dear, and periled their lives and fortunes, to espouse the cause of the North, and in defence of northern liberty. Sir, that man was a slaveholder, and his southern companions were slaveholders. I ask the gentleman to cast his retrospection back to the eventful period of '76, when that man, with some seventeen hundred or two thousand patriots, were retreating before a large and victorious army through New Jersey, their very footsteps imprinted in the snow with their blood; and to look back again at the conduct of that little band at Trenton and Princeton, immediately after. Sir, a few of these slaveholders were there; many of these slaveholders were the compatriots and companions of the honorable gentleman's patriotic sire, in the cabinet and in the field, and were not deemed unworthy. I ask that gentleman, then, to take back the calumny. I ask him to recall it. It was wrong, it was unjust, it was unkind, it was illiberal. I do venture to express a sincere hope that the venerable gentleman's feelings upon this occasion have been treacherous to the true feelings of his heart. I hope he has not meant the full import which this term of reproach expresses. With these few remarks in relation to the imputation of the honorable gentleman, I will approach the subject before us. In doing so, I will assure the House that it is not my intention to follow the honorable gentleman from Vermont through all his mazes, and turnings, and windings; nor shall I attempt to repel all his calumnies and insinuations, nor endeavor to satisfy his religious scruples, nor criticise his moral lecturing, nor to notice every thing he has said on this occasion in a vein and a manner better suited to the pulpit than the floor of a legislative assembly. The merits of slavery, and the constitutional power of Congress to interfere with it in the States, are questions which I will not and cannot condescend to discuss here. I deny your right to interfere with them in any form, without a faithless violation of the federal compact, and utter disregard of the duties which you owe to it.

Mr. Speaker, the question before the House has assumed a variety of aspects. But, until I heard the remarks of the gentleman from Vermont this morning, I had thought, as doubtless many others did, that the only difference of opinion that existed in the House was as to the form and manner in which its sense should be expressed, or in which a very large majority of its members should indicate their sentiments, which I understand to be almost unanimously opposed to any legislation whatever upon the subject of these memorials; some are for rejecting all petitions and memorials of this character; some are for laying them on the table; some propose one form and some another; but until we were favored with the views of the member from Vermont, who has, to his credit, marched boldly up to the battery's jaw, and made an open attack, none, no, not one, gave an unqualified approbation to the object of these petitions. Permit me, sir, to make one further remark on this subject, before I approach the question itself; and that is, who are these petitioners? The honorable member from New York who addressed the House this morning, [Mr. Granger,] of whose acquaintance I have not the honor or the pleasure, but hope to have before we part from the discharge of our duties here, has endorsed (and he is a very good endorser) the character of one portion of these petitioners—the females; I beg pardon—the ladies. Now, sir, there is no man on this floor who has a higher admiration of the female character than I have; but I must confess I do not like to see them madly shooting out of their proper sphere, and undertaking to control national politics. I do not like to see them become politicians. Sir, I was very much interested and amused at the sublime and beautiful description of the character and virtues of these ladies, with which the gentleman entertained the House. They are all gentleness, all kindness, all benevolence. Oh, yes, sir; and their objects are all designed for good; and so absorbed are they in their benevolent designs, that they have not brought themselves to contemplate the awful consequences of their rash proceedings. Now, sir, I have one single recommendation for the gentleman. It would seem, from his remarks, that one of the peculiar virtues of these females is, to disturb his slumbers; and, as I understand the gentleman is a bachelor, and these female petitioners are, I do not doubt, old maids, not exceeding twenty-five—for they never get beyond that age—I would recommend him to take one of these interesting, charming ladies for his wife; and, in so doing, I have no doubt he would lessen the ranks of the abolitionists one, at least, and secure himself against any further disturbance of his midnight slumbers; for, be assured, Mr. Speaker, it is a most powerful soporific, and a very pleasant one into the bargain, as you and I can testify.

Mr. Speaker, as a representative from a portion of the people of the South, I would, sir, have been perfectly satisfied with the disposition made of the memorials of this character, when they were first presented in the beginning of the present session, of laying them on the table, not again to be taken up or considered; but the result of that vote has not had the desired effect of putting to rest this question. By an overwhelming vote, this House determined to lay these memorials on the table, there to sleep, in the language of the gentleman from Massachusetts, [Mr. Adams,] "the sleep of death." More than this: the House, by a decided vote, refused even to honor these memorials with the customary respect of ordering them to be printed. And what has been the result? Why, sir, the very next moment comes another memorial, and then another, till at length

they came so thick that the attention of the House could not keep pace with them; and the very memorial now before us was presented, and got a reference to one of the standing committees, without attracting the attention of the House—an honor which, I am quite sure, the House never designed. Nor is this all. Why, sir, the gentleman from Vermont [Mr. SLADE] tells us he is charged with numerous petitions of the same character. Sir, when are we to have an end of them? This House has decided they will not print them; it has decided it will not consider them further than to lay them on the table; and yet they come and are to come in shoals upon us. Sir, it is time that this House should take a more decisive stand, should adopt a more definitive course, should decisively rebuke these intermeddlers with the property of others, and disturbers of the tranquillity of the nation. What now will be the utility of laying these papers on the table, when we may be met by a motion to-morrow, or the next week, to take them up and reconsider them. Sir, the laying a paper on the table is not a final disposition of it, although a majority of the House may again and again make this disposition; for on the very question to take up and consider, or on a question to reconsider, as well as on the original presentation, we may have debates that will be interminable, and all the mischief desired by the fanatics effected.

Sir, there is another reason why the action of Congress should be more decisive now than at any former period, and why the people of the South should call for a more direct expression of the sentiments of this House than heretofore. On former occasions there was no extraordinary feeling of alarm, no excitement, no apprehension of danger, spread throughout that section of the country. The spirit of insurrection and insubordination was not then abroad. It was reserved for the last summer's campaign of a few fanatics; my colleague called them blood-hounds, but the term is too mild. I call them fiends of hell, associating themselves into societies, receiving subscriptions of more than $20,000 or $30,000 for the purpose of printing and circulating among us incendiary pamphlets and such beautiful hieroglyphical calumnies as the one I now hold in my hand, pictures and cuts representing the southern men and southern women in the most odious and disgusting form which it is possible for human ingenuity and devilish purpose to invent. [The paper Mr. G. held in his hand was a large sheet, printed on one side, and illustrated with cuts representing the pretended cruelties inflicted on the negroes of the South.] The authors of such papers are cold-hearted, base, and malignant libellers and calumniators, and deserve the bitterest execrations of every good and patriotic heart—they should be scouted from society.

But, Mr. Speaker, we are called upon to distinguish between these petitioners for the abolition of slavery within the District of Columbia, and the abolitionists who are members of the societies. Sir, I cannot distinguish between them; I wish I could honestly. I know not one of these abolitionists. I know nothing about them, and cannot, therefore, say any thing against their personal character. But in relation to the schemes of the abolitionists, and the designs of these petitioners, I have this remark to make, that I cannot distinguish between the devil and those who do his works. They are all equally seeking abolition; they are all seeking to subvert the rights of the southern people. They have the same common object, and, mark me, if these petitioners should receive countenance by this House, we shall find many of them—ay, sir, I fear, all of them—soon ranking in the same association and pursuing the same reckless schemes together. They have a common object and common purpose to effect. Did not the gentleman from Vermont himself preach to us about the evils of slavery, and the universal rights of man, and our duties to the African race? Did he not openly avow himself an abolitionist to a greater extent than asked for in this memorial? Did he not declare slavery a sin against Heaven, the effect of which would be, although not avowed, to send every slaveholder to perdition, your Washington among the rest? I listened to the gentleman, and I cannot think I mistook the purport of his language. Sir, these abolitionists (I class them all together) have excited a feeling of alarm in the South which cannot easily be quieted. The safety of our wives and our children is endangered by their mischievous and incendiary attempts to produce a servile insurrection among our slaves. But oh, says the gentleman from Vermont, you are in no danger: all will be effected peaceably and quietly! Sir, will the gentleman permit us to judge for ourselves. We are in the very midst of the slave population, while he is securely sheltered behind the ramparts of the Green Mountains of the North. He can neither see nor hear nor feel the danger with which we are beset, because he knows and feels he is secure from the effects of it, come how and when it may. The gentleman, therefore, will excuse us when we express our own apprehensions and feelings on this subject, because we best know our own situation; we cannot requite his kindness, and admit him to be our guide in such a matter.

But, sir, these beautiful prints, and these devilish pamphlets, are not the only firebrands attempted to be circulated among us. These very memorials themselves, coming here in the midst of all this excitement and alarm, hypocritically canting about the piracy and tyranny of slave-owners have the very same tendency. Gentlemen may conceal it from themselves, but I tell them the tendency is the same—ay, and the design is the same. Why, sir, the abolitionists, from whom gentlemen seem so anxious to separate these petitioners, are now laughing in their sleeves, and openly, too, that they have allies who, by a different route, are indirectly laboring to achieve the same object with themselves, and who give respectability to their designs. Yes, the aid they receive in this way stimulates them to exertion, and animates them to hasten the approach of the final catastrophe they are themselves seeking to bring about. Every movement made in this House for the abolition of slavery within the District is a stepping-stone to the abolitionists to mount up to their work, and encourages them to seek the accomplishment of their purposes; they who tell us that these memorials only look to the District of Columbia, tell us what cannot be credited. If their object was to be limited to the District alone, to the few slaves here, the success would not be worth the trouble, and we should hear nothing about it.

There is another reason, Mr. Speaker, why the House should adopt a more direct and decisive course now than heretofore, growing out of the reasons I have just offered; and it is this: The continuance of debate on this subject is calculated to encourage, if not to excite, the slaves themselves to insubordination and insurrection. Do what you will to prevent it, these things find their way, through some channel or other, into the midst of the slave population. They know every thing that transpires here. They are aware of every thing going on in the North; and there is a spirit of insubordination in some places almost amounting to insurrection among them already. They believe the whole North to be favorable to their emancipation, and they are thus encouraged to exertion; they but little doubt, if they can once organize and commence the attack, the northern people will fly to their succor, and second their efforts. Then I say, sir, these memorials and their presentation are improperly timed; and however I might be disposed at other times to discuss the merits of these petitions, I will not do it now. I appeal, then, to our friends in the North, and to the people of the North, to rescue us,

by decisive action upon their part, from these influences, which are thus mischievously operating upon our slave population and our own safety. We do not ask our friends of the North to come personally to our aid in the conflict with which we are threatened. No, sir; come when it may, victory is ours; but we appeal to our brethren of the North in behalf of our wives and our children, and for their protection and security against the instigators of midnight murder and assassination. Our northern friends cannot truly sympathize with our feelings; they cannot realize our true situation; they are distantly removed from our slave population, and know but little of their character and disposition; we are in the midst, and can therefore know and feel the extent and true character of the danger which the efforts of the fanatics are bringing upon us; hence, knowing our danger, and feeling it, too, we appeal (we do not supplicate—supplication is a plant that does not flourish in the South) to the North to do their duty to the South, and to the Union, by discharging their obligations to the constitution, and that speedily.

Mr. Speaker, how ought this question, as it is now presented to us, to be settled? One mode has been attempted, and it failed. Then the only way is to withdraw from these deluded and misguided fanatics all inducements, all hope of aid from the North. Let the northern people themselves tell them, your scheme shall not be carried out. Why is it necessary for us to appeal to the gentlemen of the North? These fanatics are in the northern States, which are sovereign and independent as to their domestic relations, beyond the reach of our laws, and we cannot reach them by any legislation of ours; but the northern people can and ought to do it. However, we have had some specimen of the sincerity with which this scheme has been put down in one part of the North, which I will mention for the credit of the parties concerned. I understand there has been a celebrated Anglo-Scotch vagabond travelling through a certain section of the North, by the name of Thompson, preaching abolition; and I hope I shall not be regarded as uncourteous or ungallant in again referring to the females of the North. Well, this felon, for he deserves no better name, and would disgrace that if it were possible, has been holding forth in the churches and public meeting-houses of the North, lecturing and propagating his incendiarism, to the great horror and indignation of the people. But, what is most singular, the charming influence of the females, those blessed, pious old maids, has protected him from all the rage of the indignant citizens! Ay, sir, even at the very moment when the people surrounded him, breathing threatenings and denunciations, determined to suppress his doings and chastise his insolence, his charming female followers and admirers exercised so powerful a charm over him, that they carried him away unseen, as in the midst of a cloud; whether in their pockets, or how, no one can tell; but so it is, he was carried out unseen, and escaped untouched, entirely through female intervention. How potent the charm, thus to paralyze indignant patriotism and fraternal affection!

Mr. SLADE said Thompson had never been in Vermont.

Mr. GARLAND. Well, I am very glad to hear that Vermont has not been cursed with his presence, and I wish I could say that his principles had never been there; but, somehow or other, all his doctrines have reached there, have apparently taken pretty deep root in some of its soil, and are broached here in their very odious and detestable form and shape. I will, therefore, say to the people of the North, give us your aid in this thing; prove to us the sincerity of your attachment to the Union, and the fidelity with which you will discharge your obligations to the constitutional compact, by suppressing these fanatical, exciting, and dangerous associations against that property which you stand pledged to protect. We love you as brethren, we love the Union; we ask you, as citizens having the power by force of law, which we have not, to put down these abolition schemes, and their aiders and abettors in your midst, and to protect us against these incendiary attempts to bring war and desolation into our very domicils. This, sir, is a national consideration, deeply affecting the southern country, and the Union itself; and I should despise myself if I could allow any other feelings to enter into my consideration, where the property, the lives, or the liberties of my fellow-citizens are at stake.

Mr. Speaker, I hope I need scarcely remark that I do not include all the people of the North with the abolitionists. God forbid! I believe better of them. Sir, I know them to be incapable of the designs of these midnight murderers; for so I call the abolitionists. They are not open and manly murderers; for they do not dare to show their faces in the South and propagate their schemes, but stand at a distance, safely moored behind the laws and institutions of independent States, artfully exciting, insinuating, and stimulating our slaves to the work of destruction. Sir, they are murderers, in the most obnoxious sense of the term. I could have some respect for the man who boldly marches up and assaults me openly; but I abhor and detest the dastardly fiend who approaches me by stealth, or fires at me behind the bush. I repeat, sir, their object is murderous, and I can prove it out of their own mouths. Is it not notorious that, but a short time ago, one of them boldly avowed that every southern slaveholder ought to be executed? And yet that very fellow walks in broad day, unmolested by men and caressed by ladies, in the streets of a northern city of this Union! Have they not declared, in print, that they would pull down and destroy the very arch of the Union, rather than they would fail to effect their purposes? Sir, is this language, in the midst of our northern friends, to be tolerated? Is this the way the North intends to discharge its duty of protection to the rights of the South, secured by compact? I hope, I trust not. Are these the pious actions of these benevolent servants of God? Sir, they are actions, but they are not those of the holy and peaceful religion of the Saviour of the world, whom they hypocritically profess to follow, and whose religion they profess to propagate. He did not effect, nor seek to effect, the grand object of his mission by violence. No, sir; the religion of the Saviour is of a different order; its object is peace, its works are peace, and its ends are peace. Not so these fanatics. Theirs is the religion which seeks the attainment of its designs by fire and sword, and would drag heretics to the stake, burn them with fagots, or torture them with the rack and the inquisition, to compel obedience to their fanatical notions of religion. The real Christian is never stimulated to, and never incites to, murder and midnight assassination; and I regret the name of Christian should ever have been connected with this unhallowed, detestable association. It is a desecration to the name. Sir, these people must be put down, and that speedily, or dire consequences, which I dread to contemplate, will ensue. The time has arrived when the people of the South must insist upon it. Security, liberty, life, all are involved in this question; and they will never surrender their rights. They may be driven from them, but abandon or surrender them they never will. It may be matter of no serious concern to these meddlers with our domestic rights, with those instigators to the murder of our wives and children, to contemplate our plains drenched with blood in a servile war; they are absent and secure. But to us, who are husbands and fathers, who must be in the midst of it, it is with no slight concern, no ordinary emotion, that we can con-

template or could see the blood reeking from the bosoms of our wives and children, pouring from wounds inflicted through the instigation of these disturbers of our peace, and enemies of our lives and liberties. We should feel, and that acutely, too; we should revenge to the utmost their blood upon the heads of those who shed it. Mr. Speaker, we may suffer much in the conflict with which we are threatened; but be assured that, unless God in his providence has determined our fate otherwise, we shall drive back the storm; we will maintain our property, keep our slaves in subjection, and drive back, with a signal overthrow, these intruders upon our rights.

Mr. Speaker, I shall not, upon this occasion, enter the lists with the gentleman from Massachusetts, to discuss the "sublime merits of slavery," nor with the gentleman from Vermont, into a religious controversy, to prove that slavery is in conformity with holy writ. The latter gentleman may find, if he search his Bible, that the patriarchs of old held their bondmen, as well as their free servants; and both sacred and profane history will teach him that slavery has existed, in one form or another, from the foundation of the world; and by not a few pious and learned divines it is supposed to be a curse pronounced upon the descendants of one of the sons of Noah. But into the philosophy or discussion of these matters I design not to enter. If it be a stain in our escutcheon, I wish to distribute the honor to whom the honor is due, and let our former mother, England, who bequeathed it to us, take her full share. But, sir, who for a long time carried on the African slave trade? The merchants of the North. Who navigated the slave ships? The seamen of the North. Yet they reproach us, having no further profits to derive from the prosecution of the slave trade.

The able and patriotic gentleman from Pennsylvania [Mr. INGERSOLL] has told us that slavery had been abolished in the North, because the nature of the soil and its productions did not longer justify their employment. A very good and sufficient reason, and withal true; and when we are in that situation that we cannot benefit ourselves by holding slaves, why, we will endeavor to imitate the noble example of our northern brethren, and emancipate too! Interest will certainly induce us to believe that slavery is an evil, as it did our northern brethren. When it is not our interest to hold slaves, then we will emancipate them, too, in imitation of this example.

Mr. Speaker, this question has not been brought upon us by ourselves. We have not interfered with thei nstitutions of the North; and why should they meddle with ours? I will here ask the honorable member from Vermont one question. Will he inform us what we are to do with our slaves, if we abolish slavery in Virginia? Is it intended to let them loose upon us, and to be located among us, upon terms of equality? If not, where have these benevolent schemers provided an asylum for them? But I will make one proposition to him, and to the abolitionists; and it is this: open your purse strings; give the best test of your benevolence; come among us, and buy our slaves, and you may emancipate them at your will, so you remove them from among us. That will be a better test of your sincerity and purity of motive than all your speeches and writings. Till you do this, I emphatically say, let us alone.

Sir, there is another reason why we should not meddle with this subject. What was the condition of things at the formation of the confederacy? During the arduous struggle of the Revolution, you were willing, gentlemen, to fight the battles of freedom side by side with slaveholders. Together the blood of our fathers was shed, and together their bones bleached the battle-field. You were willing to erect this Union in conjunction with the slaveholder, and with him to cement it together. To bring about so desirable an event, you agreed to restrict the powers of Congress, and prohibit their interference with slavery, and even for a time with the African slave trade. But now it is all wrong. New-fangled doctrines have thrown new lights upon this subject, and you now reproach us with that very thing you have sworn to protect. Generous-minded people of the North! I again appeal to northern members, and emphatically ask, will you violate your plighted faith? Will you reproach those who confided in you, and in their confidence entered into a solemn league with you, and destroy those rights which you have pledged your faith to protect? I hope, I believe not.

Mr. Speaker, I had not intended, in the outset of my remarks, to have said so much in relation to these fanatics; but I trust the House will pardon my feelings on this occasion. I will now, sir, as briefly as possible, recur to the constitutional power of this House to legislate on the subject of slavery within the District of Columbia. I shall pass over the Presbyterian Synod of Kentucky, merely remarking that, judging from this resolution, they seem to be fit companions for the abolition priests of the North, who have led some pious females so unwarily into their schemes. As to the article quoted from the Richmond Enquirer, I have only to say that the benevolence of its editor betrayed him into an error, of which I do not doubt he has long since repented. As to the quotation from the Richmond Whig, I have only the same thing to say. In either case, however, I will remark that they were urging the State Government, which they supposed had the constitutional right to interpose. As to the article signed "A South Carolinian," I do not believe it was written by a South Carolinian, but by some individual who assumed that name, for the purpose of giving more force to his remarks, South Carolina being an extensive slaveholding State.

I will now, Mr. Speaker, approach the constitutional question, and would solemnly ask if it is to be seriously argued that the sages of the Revolution, understanding liberty as they understood it, would have manifested so much caution in the framing of the constitution, by salutary restrictions upon this subject, and yet have been so incautious as to leave Congress in possession of this power any where? Where is it found? It is neither expressed directly or indirectly in any one of the provisions of the constitution. Again, sir, is it to be believed, for one moment, that the States of Virginia and Maryland, the foremost in the ranks of those who restricted the power of the Federal Government, would have given up a portion of their citizens, in order that there might be inflicted upon them an unlimited, unmitigated, and unrestricted despotism, reserving not even the right of representation?—for, if the argument of the gentleman from Vermont be true, this Government, within these ten miles square, is as despotic as that of Russia or the Grand Turk. Would the people of Virginia and Maryland have consented to pass off a portion of their citizens, like herds of swine, without one solitary act of restriction and restraint upon the power of the Federal Government over them? Would they have been willing to have erected a despotism in the midst of this Union? Sir, I cannot believe it. This very idea is preposterous. Fortunately for us, however, there is no proof positive on this subject. The language of the act of the Virginia cession is clear, unequivocal, and decisive upon the point, and it will be found to answer every argument urged by the gentleman from Vermont.

The proviso to the act of cession by the State of Virginia is in these words: "Provided that nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein, otherwise than as the same shall

or may be transferred by such individuals to the United States." By this clause no right of soil passes. Congress cannot affect the right of individuals to the soil, only so far as individuals may convey to the United States. The reversion of the soil is in the State of Virginia. Is it not, therefore, most manifest that, with these reservations and restrictions, Virginia regarded the rights of the citizens of the District as effectually secured and guarantied as they were under her own constitution and laws previous to the cession? Congress cannot declare any thing designated and held as property not to be property, without express grant. In relation to slaves, the constitution regards them as property, and guaranties its security. If the power to abolish slavery in the District of Columbia exists, then the people of the District, although American citizens, stand on a footing of gross inequality; for Congress is restricted as to all other citizens. I then emphatically ask if Virginia and Maryland did so disfranchise this portion of their former citizens? The language of the act of cession by Maryland is rather more equivocal, but yet the spirit and design were the same. When the objects of the cession expressed in the preamble to the act, the reference to the constitution, and the restricted character of the cession as to property in the said District, are seen, it seems to me there can be no doubt upon this question.

Sir, there is another reason why the States of Virginia and Maryland would not have been guilty of the excess of folly of making the cession unrestricted, and which proves the character of the proviso referred to; and it is this: Maryland was a large slaveholding State, and Virginia the largest in the Union; and they both provided that their citizens should return to their respective Governments whenever the ceded territory should cease to be used as the seat of the Federal Government. Now, sir, extinguish slavery here, and what do you do? You make a rallying point for free negroes in the very centre of slavery itself. Here might be gathered all the disaffected and insubordinate spirits among the slave population of the surrounding States, who might resort here in such hordes that the citizens of the District would be unable to control or check them. I say, sir, the Legislatures of those two States would not, and could not, have been guilty of the folly of making such an unrestricted cession.

Those who contend that Congress has the power to abolish slavery in the District of Columbia attempt to derive it from these words in the 1st article and 8th section of the constitution, having reference to an anticipated cession of territory to the Federal Government, for a seat of Government: "To exercise exclusive legislation in all cases whatsoever over such District." The cession of this District was not made until some time after the adoption of the constitution; of course it had no direct reference to this District, or to the question of slavery, because it would not then have been known whether the cession would be made by slaveholding or non-slaveholding States. Any interference with slavery, in any form, by Congress, was expressly restricted; yet it is contended that this clause, making no direct or indirect reference to the subject, conveys this power, so totally at war with the principles of the constitution, and the explicit restriction upon this subject. A very satisfactory interpretation of what was intended by the words "to exercise exclusive legislation" is to be found in the fact that without such a cession of territory, and the right of exclusive legislation, the Federal Government would have had no territory upon which to erect her public buildings, or its Legislature to conduct its deliberations, but would have been at the mercy of State authorities, liable to be disturbed and interrupted at the pleasure of State authorities. It was necessary, then, for safety and security, that the Federal Government should have a territory of its own, and exclusive legislation over that territory, to prevent interruption or disturbance. The necessity will be sufficiently illustrated by the recollection of the fact, that during the sittings of Congress at Philadelphia, previous to the adoption of the constitution, it was surrounded by a mob, and kept in duresse during a whole day; and that it finally adjourned to meet at Trenton, in New Jersey. Having territory and exclusive jurisdiction of its own, the Federal Government, by its own laws, protects itself; but without it, it would depend on State authorities for its protection, which would not, probably, always be afforded, and the legislation of the whole nation arrested. The following remarks of Mr. Madison, in the convention of Virginia, will prove the correctness of this view: "He next objects (speaking of Mr. Henry) to the exclusive legislation over the District where the seat of the Government may be fixed. Would he submit that the Representatives of this State should carry on their deliberations under the control of any one of the members of the Union? If every State had the power of legislation over the place where Congress should fix the General Government, this would impair the dignity and hazard the safety of Congress. If the safety of the Union were under the control of any particular State, would not foreign corruption probably prevail in such a State, to induce it to exert its controlling influence over the members of the General Government. Gentlemen cannot have forgotten the disgraceful insults which Congress received some years ago. When we also reflect that the previous cession of particular States is necessary, before Congress can legislate exclusively any where, we must, instead of being alarmed at this part, heartily approve of it."

The words "in all cases whatsoever" cannot be regarded as conveying any independent power, or conferring, contrary to the whole scope and intention of the framers of the constitution, and every principle upon which it is based, all powers of legislation not expressly prohibited. I cannot think the constitution can claim to itself a principle of inherent powers, when all its powers are derivative and restricted. These words must be interpreted to mean all powers of legislation authorized by the principles upon which the constitution is framed, and conferred by that instrument.

With these very few remarks, therefore, I leave this branch of the subject, not deeming it necessary to repeat the able and perspicuous views of my colleague, [Mr. Wise,] so forcibly expressed.

But, Mr. Speaker, the question now seems to be, how is this matter to be decided? It has come up before us, and, in the language of gentlemen, it must be met. We all admit this property is guarantied to us by the constitution, and that Congress has no power to legislate in relation to it in any of the States. The constitutional power to do so is denied by every member upon this floor. Why, then, was the constitutional power of the Congress of the United States restricted in relation this subject? Because it is property over which we, individually, have control; was interwoven into our system; and the constitution has determined that jurisdiction over it shall not be transferred from the domestic control of the State Governments to that of the Federal, because, in their domestic rights and relations, they are sovereign and independent of the Federal Government, and of each other. How, then, is this question to be decided? I do not wish to avoid a vote upon it in the most direct manner. I am prepared, sir, to meet it, come when it will, whence it will, and in whatever shape it may. But, while I am thus prepared to give my own vote, I am willing to make every concession that gentlemen can ask, reasonably, in the form in which the decision of the House shall

be expressed, so that it be decisive and effectual. But I cannot go so far as to record my vote to affirm that slavery is an evil, because I will make no concession whatever to the abolitionists, who are not affected with it, and have nothing to do with it. This is a subject with which we have nothing to do, and my individual opinion need not be expressed. I say, sir, I am willing to make the most liberal concession that the nature of the case will admit. Now, let us investigate the true character of the question under consideration. Our brethren of the North have no direct interest in this question, but our interest is directly at stake; our lives, liberty, property, all are in danger. It has not originated in the South; nothing was heard of it until this abolition society awakened our fears, and alarmed us for our safety. The question, then, is, will you quiet the people of the South? Will you decide this question in such a form as to tranquillize their fears? We are all brethren of the great American family, and have been associated together for upwards of fifty years; let us, then, continue in the same bonds of fraternal love. The southern people tell you we wish to continue in fraternization and union with you; but their march is impeded, and their prospects blighted, by these harassing interferences with their rights. It creates a feeling of insecurity on the stability of our property. We ask, then, our brethren of the North to quiet us in the most decisive form they can, consistent with their duties. If they cannot sustain all the propositions that have been presented, they can either submit or vote for some one that shall be considered decisive. I have disposed of the question of laying these petitions on the table; that course is not decisive, and not adequate to the emergencies of the occasion. Many gentlemen are unwilling to reject any petitions, on the ground that it is the constitutional right of the citizen to petition. I myself, Mr. Speaker, have no objection to that course; but am prepared to vote not only that such petitions be not received, but, if I could do so, I would vote that they should be all thrown together into the midst of the Potomac.

Mr. Speaker, let us examine the proposition to reject, which will likely follow a reconsideration of the reference. In the course of this debate, reference was had to the example of the Senate during the first session of the last Congress, to show that the rejection of this memorial would be disrespectful. Sir, the cases are not analogous. If my recollection be right, the vote of the Senate, in that case, was not upon a proposition to reject, but upon a proposition not to receive the paper. That was more disrespectful than to reject, because the motion to reject is necessarily made after the paper has been presented—after it has been in the hands of the Speaker, and read to the House; but the motion not to receive is in priority of all these formalities, and is therefore a more decisive expression of the disrespect of the body to whom it is offered. The motion to reject means, simply, to reject the application, that is, the prayer of the petitioners or memorialists, and nothing more. But it is contended that even this, as well as the motion not to receive, is at war with the right of petition. Now, sir, what is this right of petition? Gentlemen bring petitions here, present them, and ask reference to some committee of the House. Committees are not organized by law or by the constitution, but by a rule of the House, for its own convenience, and for the convenience of having that brought to its consideration which could not be conveniently done by the whole House. A committee sometimes reports, or passes over *sub silentio*, or asks leave of the House to be discharged from the further consideration of the subject; and cannot the whole House do at once what it may do on the recommendation of one of its own committees? Suppose the committee, to whom a petition may be referred, report that it should be rejected, where is the want of power or the disrespect on the part of the House to do the same thing without the reference? If the House confirms the report of the committee, it all amounts to the same thing—to rejection; and the only question is, whether the same thing shall be done directly without reference, or indirectly by reference and report, the House having determined its course before a reference is asked. Now, these petitioners know nothing about the formula of proceeding here, and it is the same thing to them whether their petition be rejected by a direct vote of the House, without going to a committee; or whether it go to a committee, who may report that it be rejected, and the House confirm that report.

But, say gentlemen, it conflicts with the right of petition—a sacred right, guarantied by the constitution. Sir, there is no man on this floor who respects the right of petition more than I do; but yet, with all this regard for the right of petition, there is some respect due to ourselves, and it must always be understood with some restrictions. The right of petition is the right to petition for a redress of grievances affecting the petitioners themselves; but when pious and godly-given ladies, in some few portions of the North, are petitioning to redress my grievances, when I feel no grievance, when I know of no grievance at all, I humbly conceive it to be an improper and impertinent interference with my rights. Now, sir, pray, how are these good and godly and pious and Christian-like ladies affected by slavery in the District of Columbia? They are not living in the District of Columbia, but in Vermont or Massachusetts. They are not affected by slavery in the District of Columbia. They are not stained by its guilt. They are not affected by its sins. Its blood is not upon their skirts. Why, then, should they ask a redress of the grievances of the people of the District of Columbia? Are not the people of the District themselves the best judges of their own grievances; are they not adequate to judge for themselves and to apply for redress of grievances, if they have any; and do they come here, or to their own Legislature, to ask redress? Sir, I must say I respect no petition coming from people who are not interested, directly or indirectly, on the subject about which they petition; and less so when its object is to interfere with the rights of others. When petitions come from those who feel and suffer grievance, couched in respectful language, I will then respect and hear them in the most respectful manner. Then, sir, why not come up directly to the question, and reject this petition, and all petitions of a similar character, *instanter?* I have referred to what has taken place heretofore in relation to petitions of this character, which I then thought sufficiently decisive—laying them on the table; but that was when the country was quiet, and had not been disturbed by the circulation of pamphlets and vile wood cuts among the slaves of the South. Then we were satisfied, because there was nothing serious to apprehend; the demon of discord had not then been stalking through the land; but now, sir, we see the danger, and all we ask is an express declaration on the part of our brethren of the North of their determination not to legislate upon this subject; this we have a right to ask and to expect. If we had the power, as as they have, we would not ask even this of them. No, sir; we could manage these fanatics exceedingly well, if we had them among us, but we cannot reach them as long as they confine themselves within the limits of other sovereign and independent States; we cannot, we will not, violate the jurisdiction of other States.

But, say gentlemen, why press the constitutional question now? I reply, we press it from the most urgent and imperious necessity. It is due to our safety, to our

quiet, that we press it. Every other form in which this question has been presented has failed to secure us against the repetition of these memorials and petitions, exciting our passions, and endangering our safety. Nothing, it seems to me, short of a declaration, on the part of Congress, of their want of constitutional power, will restrain these fanatical crusaders from seeking the intervention of Congress in aid of their diabolical schemes, and perpetually harassing the country. I do not ask gentlemen to vote contrary to their sense of right. If they believe Congress has not the power, then this agitating subject will be put to rest, so far as Congress is concerned. If gentlemen think Congress has the constitutional power, let them say so; we shall not, if they decisively refuse all legislation upon the subject, upon grounds of expediency, complain of their opinions upon the mere question of power--a power which they do not intend to exercise, and sever the Union on that account. No, sir; we value it too highly, and love it too dearly. But if the power exists, this House cannot pledge its successors—the South has no security for the future. The constitution provides for its own amendment, by reference to the source of all power—the people. It will be our duty to seek through the people an amendment to the constitution, restricting the power of Congress upon this subject. Such an amendment must and will prevail, if the northern people are sincere, which I do not doubt, in their professions of attachment to the Union, and respect for our rights—seeing, as they must do, the infinite danger to our rights and our safety which would result from the abolition of slavery in the District of Columbia. This would test the true feelings of the North, and quiet the apprehensions of the South, and secure the Union against the most formidable enemy by which its integrity could be assailed.

Sir, I am anxious to see this distracting question put to rest, and that we may be able to say, with new feelings of national pride, in the language of the poet,

> "Where e'er beneath the sun, by sea winds fanned,
> There floats the banner of my native land."

Not, sir, the banner of a northern empire, not the banner of a southern empire, but the banner of the Union—the banner which conducted the heroes of the Revolution to victory in the cause of freedom, and which has now waved in triumph for upwards of half a century, untarnished and unscathed. Sir, I hope this question will now end; that our northern brethren will meet it in the most decisive form, and give such an explicit expression of their sentiments as will tranquillize the South on the one hand, and silence the fanatics on the other.

As to the proposition of the gentleman from Pennsylvania, [Mr. Ingersoll,] for whose patriotic feelings, exhibited upon this occasion, I cannot withhold the expression of my highest admiration, I can only say that it is true; but it does not meet the present case; the question before the House relates to the District of Columbia alone. The proposition of the honorable gentleman refers to slavery in the States. The proposition that Congress has no constitutional power to abolish slavery in either of the States of the Union need not be decided, because none assert it; and a decision of that question would in no wise decide the question arising upon this petition.

The only way in which the question can be presented so as to procure the definitive and speedy action of the House, will be by reconsidering the vote of reference, now sought to be reconsidered, which I earnestly hope will be done.

When Mr. Garland had finished his speech--

Mr. MANN, of New York, moved the previous question.

The motion was seconded by the House, by a vote of 104 to 79.

The question being then taken, "Shall the main question be now put?" it was decided in the affirmative: Yeas 137, nays 71.

The CHAIR having stated the question to be whether the vote be reconsidered,

Mr. GLASCOCK asked, if it was carried in the affirmative, what would be the next question?

The CHAIR said it would be on the motion to commit.

Mr. LANE moved an adjournment, but withdrew it.

Mr. WHITTLESEY asked for the yeas and nays, and they were ordered.

The question of reconsideration being taken, it was decided in the affirmative, as follows:

Yeas—Messrs. Anthony, Beale, Bean, Beardsley, Bell, Bockee, Bouldin, Bovee, Boyd, Brown, Bunch, Burns, John Calhoon, Cambreleng, Campbell, Carter, John Chambers, Chaney, Chapman, Chapin, Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Efner, Fairfield, Farlin, Forester, Fowler, French, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Graham, Grayson, Griffin, Haley, Hiland Hall, Hamer, Hammond, Hannegan, Samuel S. Harrison, Albert G. Harrison, Haynes, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Thomas Lee, Luke Lea, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McComas, McKay, McKeon, McKim, Mercer, Miller, Montgomery, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Pickens, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Smith, Spangler, Standefer, Taliaferro, Taylor, Thomas, John Thomson, Waddy Thompson, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Washington, Weeks, White, Lewis Williams, Sherrod Williams, Wise—148.

Nays—Messrs. Adams, Chilton Allan, Heman Allen, Ashley, Bailey, Beaumont, Bond, Borden, Briggs, Buchanan, William B. Calhoun, Carr, Casey, George Chambers, Childs, Clark, Corwin, Crane, Cushing, Denny, Evans, Everett, Philo C. Fuller, Granger, Graves, Grennell, Joseph Hall, Hard, Hardin, Harlan, Harper, Haz-ltine, Hoar, Howell, Hunt, Ingersoll, William Jackson, Janes, Benjamin Jones, Laporte, Lawrence, Lay, Lincoln, Love, Mason, McCarty, McKennan, Milligan, Morris, Parker, Dutee J. Pearce, Potts, Reed, Russell, Slade, Sprague, Storer, Underwood, Vinton, Webster, Whittlesey—61.

Mr. OWENS said, in consequence of the wide range which the debate had taken, he had determined to move to lay the petition on the table, with a view to prevent the continuance of the discussion upon the motion to commit. The same course he should pursue in regard to every similar petition which might be presented. His resolutions on the subject, which he had indicated to the House, he would offer when the States were called for resolutions. He moved to lay the petition and the motion to commit on the table.

Mr. WISE made a point of order. Had not the motion to reject precedence of the motion to lay on the table?

The CHAIR said no motion to reject was before the House, and the motion to lay on the table was not debatable.

Mr. WISE called for the yeas and nays on the question, and they were ordered.

The question being taken, it was determined in the affirmative, as follows:

YEAS—Messrs. Chilton Allan, Anthony, Ashley, Beale, Bean, Beardsley, Beaumont, Bell, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Buchanan, Bunch, Burns, Cambreleng, Carr, Casey, George Chambers, Chaney, Chapman, Chapin, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Efner, Fairfield, Farlin, Forester, Fowler, French, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Graves, Haley, Joseph Hall, Hamer, Hannegan, Hardin, Harlan, Samuel S. Harrison, Albert G. Harrison, Haynes, Henderson, Holsey, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Logan, Loyall, Lucas, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, Moses Mason, Samson Mason, May, McKay, McKeon, McKim, Mercer, Miller, Montgomery, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Schenck, Seymour, Augustine H. Shepperd, Shields, Shinn, Smith, Spangler, Standefer, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Washington, Webster, Weeks, Lewis Williams, Sherrod Williams—144.

NAYS—Messrs. Adams, Heman Allen, Bailey, Bond, Borden, Briggs, John Calhoon, William B. Calhoun, Campbell, John Chambers, Childs, Claiborne, Clark, Cushing, Denny, Evans, Everett, James Garland, Rice Garland, Glascock, Graham, Granger, Grayson, Grennell, Griffin, Hiland Hall, Hammond, Hard, Harper, Hazeltine, Hoar, Hunt, William Jackson, Janes, Henry Johnson, John W. Jones, Lawler, Lawrence, Lay, Luke Lea, Lincoln, Love, Lyon, Maury, McCarty, McComas, McKennan, Milligan, Morris, Patton, Dutee J. Pearce, James A. Pearce, Pettigrew, Pickens, Potts, Reed, Robertson, Rogers, Russell, William B. Shepard, Slade, Sprague, Waddy Thompson, Towns, White, Whittlesey, Wise—67.

So the petition and the motion to commit were ordered to lie on the table.

The House then adjourned.

THURSDAY, DECEMBER 24.

CONSTITUTION OF MICHIGAN.

Mr. MASON, of Virginia, asked the unanimous consent of the House to take up and dispose of the message of the President of the United States, transmitting a copy of the constitution and other documents emanating from a convention in Michigan, in reference to the formation of a State Government of said Territory.

The unanimous consent of the House having been obtained,

Mr. M. remarked, when the subject was last before the House, there were three different propositions presented to its consideration. He had moved that the message of the President of the United States, with the accompanying documents on this subject, be referred to a select committee; the gentleman from Ohio [Mr. HAMER] had moved its reference to the select committee already raised on the subject of the northern boundary of Ohio; and the gentleman from Maryland [Mr. HOWARD] moved its reference to the Committee on the Territories.

For himself, Mr. M. said, he had no disposition on the subject. He believed, however, that it was very important the subject be speedily acted upon by Congress. He had taken the trouble to examine the journals of the House in regard to former applications of a similar character; and he had found, without exception, that the course had been to refer all such applications to a select committee. That was the reason which induced him to make the motion he had. He had the whole of the precedents before him, including every State admitted into the Union from the foundation of the Government. He would again remark that he had himself no disposition on the subject; but he presumed there was a disinclination on the part of the mover that the subject should go to a separate and select committee. Mr. M. then stated it as his belief that the two subjects ought to be kept separate and distinct if possible; but, if it met the pleasure of the House, he should be perfectly willing to refer it to the Committee on the Territories, merely remarking that such had been the usage of the House in former instances.

It was true that, in every other case, there had been no conflicting claims; and that circumstance, perhaps, might make an exception to the general rule heretofore pursued with regard to this subject. He hoped the House, however, would promptly refer it either to the one committee or the other, in order that the sense of the House might be speedily ascertained, and the question settled in a way satisfactory to all parties.

Mr. HAMER then withdrew his motion to refer the subject to the same committee to which the message and documents on the northern boundary of Ohio had been referred.

Mr. H. remarked that, in withdrawing his motion, his principal object was to present another question to the House. He desired that this whole subject should go to the Judiciary Committee, in order to arrive at a fair expression of the sense of the House. He therefore moved that this matter be referred to the Committee on the Judiciary.

Mr. STORER said if the gentleman from Virginia [Mr. MASON] would permit the pending question of reconsideration of the vote referring the President's message on the subject of the northern boundary of Ohio to be first disposed of, he would interpose no objection to the wishes of the gentleman in regard to the reference of the other document.

Mr. MASON said he would merely suggest to the House that the two subjects were distinct and independent questions.

The SPEAKER stated the motion first in order would be the reference to the Committee on the Territories.

Mr. VINTON said he hoped the motion of his colleague, to refer this subject to the Committee on the Judiciary, would prevail. He had no doubt but the gentleman from Virginia, who had moved its reference to a select committee, would bestow upon it an able and faithful examination. Nor did he know of any objection to the gentlemen who compose the Committee on the Territories. It, however, appeared to him that neither a select committee nor the Committee on the Territories was the appropriate committee to take charge of this subject. He believed it was true, as had been stated by the gentleman from Virginia, that on former occasions, when States had been admitted into the Union, the subject had been referred to a select committee; but as the case of Michigan was unlike those which had gone before it, they did not furnish a precedent for her's. In no instance, not even that of Tennessee, was there any dispute about boundaries. In every case the question of admission was one of expediency merely; there was nothing else to settle or decide. The subject of the expediency of admitting new States into the Union does not belong to the powers and appropriate duties of any one of the standing committees of the House; and for

this reason, in all former cases, a select committee had been raised for the occasion. Even in the case of Tennessee, the claim of right was denied; and, as is apparent from the journal of the proceedings attending her admission, she was received into the Union on the ground of expediency alone. In the present case, Michigan claims that she is a State, by virtue of certain laws and ordinances of Congress already passed. No act of Congress has expressly authorized her to form a constitution and erect herself into an independent State, as was done before the States of Ohio, Indiana, and the other new States since admitted, formed their constitutions. There being no act of Congress authorizing her to form a constitution, nor any in express terms recognising her right to become a State, she deduces that right by interpretation and construction of certain laws. The laws principally relied upon, as conferring upon her this right, are the ordinance of Congress of 1787, for the government of the Northwestern Territory, and an act of Congress of 1805, erecting the Territory of Michigan into a territorial Government. She maintains that, by virtue of certain general terms, in which one of the sections of the latter act is expressed, she has a right to form a constitution and State Government whenever the Territory created by that act shall have sixty thousand inhabitants. Nothing is said in the act about the formation of a State Government; but by connecting it with the ordinance of 1787, and then by putting a construction on the ordinance, she raises the inference that she has a right to form a constitution, and demand admission into the Union, without further or other legislation on the part of Congress. The Michigan construction, both of the ordinance of 1787 and of the act of 1805, is seriously disputed; and Mr. V. said he was one of those who believed her construction of both of them to be wholly erroneous, and her pretensions groundless. Many other acts of Congress were connected with, and explanatory of, the two acts. Now, when laws are to be explained, and rights deduced from their interpretation, the Judiciary Committee, and it alone, would seem to be the appropriate committee to discharge that duty. So long as Michigan puts forth her claim to admission on the ground of right, and does not ask it as a favor, the question, and the only question, to be determined is, do these acts bear her out in her interpretation of them? For his part, he had no doubt that Congress had an absolute and plenary power over the Territory of Michigan, and could make a State of it or not, at its own pleasure and discretion, and with such boundaries as it might deem expedient, subject only to the qualification, that its southern boundary could not be extended into the territory of the States south of it.

Upon so grave a matter of interpretation as that set up by Michigan, it was important to bring to its decision the best legal talents of the House. The Judiciary Committee was always supposed to be composed of gentlemen of the highest legal attainments; and being selected with reference to those attainments, and without regard to this question in particular, its decision would be looked upon as an impartial exposition of the law; and, on this account, it would be entitled to and receive more of the respect of the House than would be given to the report of a select committee, organized for the occasion. An able gentleman from the State of New York presides over the Judiciary Committee, and no member of it being from those States beyond the Ohio, which have an interest in the question of boundary, (which is one of the legal questions involved in the claim of Michigan for admission, with the constitution she has formed,) an impartial decision upon these pretensions might be expected.

Mr. V. said he desired it to be understood that he knew no objection to the Committee on the Territories, so far as it respects the gentlemen composing it. He thought, however, it was not the appropriate committee, because the object of its creation was to attend to the business and interests of the Territories, as such, and did not contemplate its action or decision upon a question like the present. The rights of the adjacent States are involved in this question, and, for that reason, it would seem not to be the proper committee. The Committee on the Territories is presumed solely with a reference to the knowledge possessed by its members of the local wants and interests of the Territories, and without any regard to their legal attainments, which alone could fit them to decide the questions to which the pretensions of Michigan give rise. It would therefore be very proper to place on the Territorial Committee gentlemen of all professions, while it would be a matter of surprise if any other than lawyers, and those, too, of high legal attainments, were put upon the Committee on the Judiciary.

Mr. MASON, of Virginia, did not think the subject ought to be referred to the Committee on the Judiciary. He hoped the House would not at this time go into any examination of the merits of the controversy—a controversy he hoped to see adjusted to the satisfaction of all parties. Mr. M. then referred to the proceedings in the cases of Tennessee and Ohio, as recorded in the journals, in both of which select committees were appointed. Such had been the uniform practice of the House. It was true that the subject did not appropriately belong to any one of the committees of the House, for it was an extraordinary application. Taken altogether, if a select committee was not the appropriate one, it appeared to him the Committee on the Territories was the most appropriate. Still, he hoped the former course would be adopted.

Mr. HOWARD, having made the motion to refer this matter to the Committee on the Territories, would very briefly state his reasons. He thought so intricate a subject should be referred to one of the regular standing committees of the House, for the reasons he had stated when he made the motion. He was aware of the former usage of the House to refer applications for the admission of new States into the Union to a select committee, and that that long practice ought not lightly to be departed from; but, since the admission of the last State into the Union, the Committee on the Territories, whose peculiar province he thought this matter was, had been organized, namely, in 1825. Prior to that year, no such committee had existed in that House. [Mr. H. then desired the Clerk to read the resolution under which it was organized.] The non-existence of such a committee he believed to be the reason why this subject had been referred to a select committee. That reason, however, no longer existed, and he hoped the House would suffer it to take the reference he thought to be the only appropriate one. Mr. H. then refered to the proceedings of the last Congress on the same subject, to be found in Journal of the House, pages 33 and 398. For himself, he said, he was totally indifferent to what committee the House should send it, believing only that the whole subject should go the same committee. It was for that reason he had made the motion to reconsider the vote by which the House had departed from the practice settled by the last Congress, and referred the subject of the Ohio boundary line to a select committee, instead of to the Committee on the Territories. He hoped, therefore, both subjects would be sent to the latter committee.

Mr. STORER next addressed the House upon the question before it. Whatever difference of opinion, said Mr. S., may exist among the delegation of Ohio upon other points, it gives me pleasure, sir, to believe that we are united upon this question. It is not my wish

to give the present debate a wider range than the motion of my colleague would properly embrace under the rules of the House, though the mode in which the subject has been heretofore discussed might seem to require a departure from the usual course of debate. Yet, sir, whenever the important matters connected with the message of the President, which are asked to be referred to a select committee, shall come before this House, and the field is fairly opened to argue the merits of her border controversy, as an humble Representative of Ohio, I shall not shrink from duty. Sir, it is not, as might be presumed from the manner in which the reference to a select committee, or to the Committee on the Territories, has been regarded by the gentlemen who have advocated these propositions, that the message of the President, with the documents attached to it, embraced the question, merely, whether the Territory of Michigan could be admitted into the Union or not; but the whole of the unfortunate dispute in relation to the northern boundary of Ohio is opened for consideration. The constitution of Michigan, which has been laid upon our tables, is predicated upon the hypothesis that the boundary between her and Ohio is established. And she insists, in the ordinance, by her convention, that her territorial limits are irrevocably determined. By these acts, sir, a valuable part of Ohio is taken from her jurisdiction, and, under the pretence of claiming admission into the Union, an attempt is made by the same movement to secure a recognition, if not the establishment of a boundary, that Ohio never will admit, if she is true to herself. If the question was one of admission as a State only, which could be examined and decided without reference to the rights of other members of the Union, I should, perhaps, have no objection to the reference asked by the honorable gentleman from Virginia; but when I am assured that the boundaries of three States are to be changed without their consent, and, sir, against their express protestations, I wish to inform the House that the subject assumes a graver character than it would seem many have attached to it.

Disguise the matter as we will, the decision of any committee to whom it will be referred must be upon the merits of the whole question; and it is not the least important consideration, that, as legal rights are claimed to be involved, they should be subjected to the scrutiny of the Committee on the Judiciary, whose appropriate function is to give construction to the laws of the Union, preparatory to the action of the House. It is asserted by Michigan, in her memorials and publications, and we have been favored with not a few, whether official or otherwise it is not for me to say, that her claim to admission into the Union depends upon the ordinance of 1787, and the law of 1805: to these she has referred as the foundation of her right, and by them she must be judged. Now, sir, upon so important, so responsible and delicate a matter as the increase of our Federal Union, depending not upon questions of policy or expediency, but the simple claim of mere right, I would ask, what committee is so appropriate as that of the Judiciary? An ordinance of Congress, under which three States have already been organized, and which, if I can confide in the periodicals of the day, has been pronounced, by high authority on this floor, as conferring upon Michigan a right as sacredly vested "as any compact ever ratified in heaven"—an ordinance, sir, the wisdom of whose provisions has been felt and acknowledged throughout our whole western valley—upon the faith of which Ohio, Indiana, and Illinois, have long confided; and if it is now to receive a construction where they are interested, they ask that the same measure of justice should be meted to them as is extended to the humblest individual in the Union.

Sir, upon every question where the citizen appeals to Congress, claiming indemnity for the consequence of any act which has been remotely caused by or depends upon a law of the land, his memorial is always referred to the Committee on the Judiciary; they, sir, have the appropriate control on all such questions, from the very nature of their organization. Selected for their legal acquirements and general knowledge of the interests of the Government as well as the rights of the citizen, taken from all portions of the country, and not knowing in advance what will be submitted to them, they can enter upon their duties with impartiality and without feeling. Not, sir, that I would detract at all from the ability of any special committee which might be appointed, nor distrust their candor, intelligence, or integrity; but I should feel that I had not done my duty, if I did not urge the reference to the committee designated by my colleague.

Sir, I have said the humblest individual is protected by that committee; and I ask for Ohio no other right than he, in his relative situation, could properly assert. We do not wish, sir, to vaunt; it is not for a State like ours, great and populous as she is, to arrogate any superior right, or ask any extraordinary interference. We place ourselves on a level with all our sister States; and, while claiming for ourselves no more than they honorably could, we shall insist upon all that is justly secured to us. It has been said that the powerful were waging war with the weak, and on this floor a picture has been drawn not very flattering to the dignity or the honor of our State. As I have already said, this is not the time to defend ourselves against such insinuations, or repel such charges: when the proper period shall arrive, I trust that the Representatives of Ohio will be prepared to silence every unmeaning sarcasm, and throw back every imputation, come from where it will, and when it will.

It is urged by the honorable gentleman from Virginia, that it has been the usual course to refer all such memorials to select committees; and he instances the cases of Ohio, Indiana, and Illinois. Now, sir, there is a manifest distinction between these cases and that of Michigan. In those, a convention had been already held under the act of Congress; and when the constitutions they offered for approval were submitted to a select committee, it was only to ascertain whether, under the ordinance of 1787, they were republican in their character. All previous steps had been provided for by the laws authorizing the convention to be held. But Michigan comes before us demanding admittance, without previous consultation, and without asking our consent. She has formed her constitution, established her Government, and proclaimed it as already in full force. Not merely the question of the character of the constitution, but the right to admission, are involved. The gentleman has said that he supposes the preparatory steps to the passage of the several laws authorizing conventions to be held in Indiana, Illinois, Mississippi, and Alabama, were referred to the Committee on the Territories; but it would seem that could not be the case, as all these States were admitted previous to 1825, and there was no standing Committee on the Territories until that year. But, sir, be the fact as is contended for, the present is an extraordinary case, full of delicacy and responsibility; and we who are deeply involved in the controversy would again repeat, let us have the opinion of our legal advisers.

The honorable gentleman from Maryland supports his motion for a reference to the Territorial Committee on the ground that the organization of that body embraces, most appropriately, the matters asked to be referred. The language of the 70th rule of the House is, that "It shall be the duty of the Committee on the Territories to examine into their legislative, civil, and criminal proceedings, and to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-

residents." And, sir, with what propriety can the interests of a State be referred to a Committee on the Territories, whose only power it is to supervise their acts, regulate by law their internal police, and protect the interests of their inhabitants?

But, sir, we do not consider that the Territory of Michigan is a party to this controversy, so far as Ohio has a right to be regarded in the issue. We insist it is a question between the Government of the United States and the State whose interests are confided to our care. We hold that Government as responsible for all the acts of her Territories, while they are under her control, and while she has the power to regulate their proceedings. And, sir, if it shall ever become necessary to speak out on this point, in plainer language, I shall not hesitate to state my own convictions. Yes, sir, if any person in any part of this Government shall be found to have interfered with the interests of Ohio, and exerted his influence to her prejudice, I have no doubt the Legislature of our State will regard the subject as becomes her dignity and her honor; and, as one of her Representatives on this floor, I shall not shrink from urging the investigation.

I would ask, sir, before I conclude, if it has been fully understood by the House that Michigan already considers herself in the Union, though she is asking, it is said, to be admitted? She has her constitution, her Governor, and her whole State organization within the Territory, where similar officers are now acting under the laws of the United States. This, sir, is an "*imperium in imperio*"—a State within a Territory—independent, as she claims, and yet applying for the privilege of a sister republic. I should hail, sir, her admission into this glorious Union, when under the sanction of the law she makes her appeal; but if she can by this indirect mode become a State, I would ask, what can prevent her withdrawal from the Union whenever she might deem it expedient? If she can come into the Union without the previous action of Congress, the result is clear, there is no constitutional tie to bind her to the republic.

To the gentleman from Virginia, I would say that he must not be surprised at the warmth of my appeal. He can appreciate the motives which govern me. His attachment to his ancient State cannot be stronger than mine to that of which I am proud. I would assure the gentleman that Ohio, and her sister State, Kentucky, still claim the old Commonwealth as their common mother; and well may the parent be proud of her children.

Mr. LANE also advocated the motion to refer the subject to the Committee on the Judiciary, in opposition to the former practice of the House, which he contended had never had a cause similar to the one at present under consideration.

ELECTION OF CHAPLAIN.

Mr. THOMSON, of Ohio, called the attention of the House to the fact that the hour had arrived assigned for the election of a chaplain.

The House proceeded to execute the order. Several nominations were made, and, after three unsuccessful ballotings, the fourth stood as follows:

For Mr. Stockton,	-	-	96
Mr. Comstock,	-	-	83
Scattering,	-	-	10

So the Rev. Mr. STOCKTON was declared to be duly elected.

Mr. VANDERPOEL, by leave of the House, submitted a motion, that when the House adjourns, it adjourn to meet on Monday; which was agreed to.

The House then adjourned.

MONDAY, DECEMBER 28.

CONSTITUTION OF MICHIGAN.

The House resumed the consideration of the message of the President of the United States, transmitting a copy of the constitution and other documents, originating with a convention in the Territory of Michigan, with a view to the formation of a State Government out of said Territory.

The question pending being that of reference, a motion having been made to refer the subject to the Committee on the Territories, and also a motion to refer to the Committee on the Judiciary—

Mr. WILLIAMS, of North Carolina, said he would avail himself of this opportunity to say a few words on this subject. He believed this to be an entirely new question. The House had never, on any former occasion, entertained one precisely similar to this. The general rule, he understood, was, that when a subject is proposed, although in some respects it may be new, yet, if it be referrible to the proper scope of duty of any of the standing committees, it ought to be referred to said committee. This he took to be the general rule of this House; and it struck him that this subject ought to go to some one or other of the standing committees. It seemed to be a question whether this subject ought to go to the Committee on the Territories, or to the Committee on the Judiciary. He thought it ought to be referred to the Committee on the Judiciary. This question, in relation to the boundary of Michigan, had heretofore been submitted to the Committee on the Territories, and that committee, after an investigation of some days, would not take upon themselves the decision of it, because they considered it a judicial matter; and if it was a judicial matter then, it is certainly a judicial matter now. Whenever a question involving any point of law is to be examined, it is referred to the Committee on the Judiciary. There are involved in this question various points of law.

The gentleman from Virginia [Mr. J. Y. MASON] said that all precedents were in favor of a select committee. He asked the gentleman where there was an instance precisely analogous to the present one? He knew of none. If, then, it be conceded that the Judicial Committee is the correct one to determine all matters of law, it certainly is the committee to which this subject should be appropriately referred.

Mr. JOHN Y. MASON said, as there seemed to be some confusion of the question under consideration, he would withdraw his motion to refer to a select committee. He said, in the cases heretofore of the admission of new States, there had been a law passed authorizing the people to meet in convention and form a constitution. At present, Michigan has established a constitution, and she claims it as her right to be admitted into the Union. He remembered that the Committee on the Territories had, at a former session, reported a bill authorizing the people to do the very thing they have now done; but it was not considered. The subject now to be investigated is this: Is Michigan entitled to be admitted as a State into the Union? He said the boundary question had already been referred to an able committee, and that he hoped the merits of the question, when they came to be discussed, would be met in a spirit of liberality and justice. In his mind, the judicial question could hardly be settled by this House. Michigan asks, as one of the States, to be admitted into the Union. That is the question. The boundary question ought to be kept separate and distinct. He was disposed to decide the question fairly and impartially. His impression was that the message ought to go to the Committee on the Territories.

Mr. WHITTLESEY, of Ohio, said he was much gratified that the gentleman from Virginia [Mr. MASON] had withdrawn his motion to refer the President's message,

and the copy of the constitution adopted by the people of Michigan for forming a State Government, to a select committee; and as the gentleman from Maryland [Mr. HOWARD] had suggested to his colleague, [Mr. HAMER,] that the question might first be taken on referring the subjects to the Committee on the Judiciary, by moving to amend his [Mr. HOWARD's] motion, by striking out "Territories" and inserting "Judiciary," he would, if his colleague was in his seat, request him to move the amendment, instead of relying on his motion to refer it to the Judiciary Committee, which would be the second motion in order. He expressed the hope that, if the question was taken first on the motion to refer to the Committee on the Territories, it would be negatived, as he believed the Judiciary was the proper committee to investigate the subject.

He regretted that the gentleman from Virginia, [Mr. MASON,] in rising to correct errors in others, should have fallen into them himself. He had stated to the House the question of boundary was only incidental, and ought not to affect the main question, which was, as the gentleman stated, "shall Michigan be admitted into the Union as one of the confederacy?"

The question of boundary, Mr. W. contended, was so intimately connected with the admission of Michigan, that it could not be separated without violating the rights of three States. To ascertain what territory Michigan claims, it is necessary to examine several documents; and it can be most satisfactorily demonstrated by them, that Michigan claims not only the land west of the Miami bay, between the lines run by Harris and Fulton, but a much larger extent of territory in the northeast part of Ohio, a part of which was within the district he represented, and a part of it in the district represented by his colleague, [Mr. SLOANE.]

The boundaries of the proposed State are declared by the convention to be established by the act of Congress of the 11th January, 1805, in conformity to the fifth article of the ordinance providing for the government of the Territory of the United States northwest of the river Ohio.

The fifth article of said ordinance, so far as the boundary is concerned, is as follows: "There shall be formed in said Territory (the Northwestern Territory) not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western State in the said Territory shall be bounded by the Mississippi, the Ohio, and Wabash rivers, a direct line drawn from the Wabash and Port Vincents, due north, to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi.

"The middle State shall be bounded by the said direct line, the Wabash, from Port Vincents to the Ohio, by the Ohio by a direct line drawn due north from the mouth of Great Miami to the said territorial line, and by the said territorial line. The eastern State (which is now Ohio) shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: Provided, however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that if Congress hereafter find it expedient, they shall have authority to form one in two States in that part of said Territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan."

This ordinance was adopted on the 13th of July, 1787; and at that time it was supposed, as evidenced by all the maps then extant, that the southerly bend or extreme of Lake Michigan was so far north that a line drawn due east would strike the lake, or the territorial line, far north of the most northerly cape of the Miami bay. It has been said, here and elsewhere, that this ordinance "is as unalterable as the decrees of Heaven."

The Territory of Michigan is bounded, by the act of January 11, 1805, as follows: "All that part of the Indiana Territory which lies north of a line drawn east from the southerly bend or extreme of Lake Michigan, until it shall intersect Lake Erie, and east of a line drawn from the said southerly bend, through the middle of said lake, to its northern extremity, and thence due north to the northern boundary of the United States."

This ordinance and the act of the 11th of January, 1805, as the southern bend or extremity of Lake Michigan is now ascertained to be situate, conflict with the title of the Connecticut Western Reserve; and it will be seen that the ordinance, and the several cessions and acts connected with the question of boundary, involve important if not intricate questions of law, which can best be decided by the Judiciary Committee.

It is known to every member of the House, that the State of Connecticut, under the charter of Charles II., claimed to have a title to all the land which lay west of the Narragansett bay, south of Massachusetts, and north of the forty-first degree of north latitude, and extending west to the Pacific Ocean or South Sea. She contended with the colony of New York for that part of her territory which was embraced within the degrees of latitude by which she was bounded. This dispute was settled in the year 1733. She contended with Pennsylvania for a part of the territory embraced within her limits, which was decided by the federal court at Trenton.

The extensive tracts of western land engaged the early attention of those States whose charters did not embrace any portion of that region, and they required, inasmuch as these lands were uninhabited, and had been conquered in the common cause, that they be surrendered for the common benefit of all the States. The State of Connecticut was one of the States to cede a portion of her western territory.

The act authorizing the cession by her delegates in Congress, or any two of them, bears date the 14th of September, 1786, and authorized the conveyance of all the right, title, interest, jurisdiction, and claim, of the State of Connecticut, to certain western lands, beginning at the completion of the forty-first degree north latitude, one hundred and twenty miles west of the western boundary line of the Commonwealth of Pennsylvania, as then claimed by said Commonwealth, and from thence by a line drawn north, parallel to and one hundred and twenty miles west of the said west line of Pennsylvania, and to continue north until it comes to forty-two degrees and two minutes north latitude. The State of Connecticut claimed all the land west of the State of Pennsylvania, north of the forty-first degree of north latitude, and south of latitude forty-two degrees two minutes. It will be perceived by the cession, that she reserved a tract of land lying between the degrees of latitude mentioned, and extending west from the Pennsylvania line one hundred and twenty miles. If the boundaries of Michigan, as they are given in her constitution, based on the ordinance of 1787, be established, then a part of the counties of Cuyahoga, Geauga, and Ashtabula, will be included within the State of Michigan. The number of citizens which must be affected by this decision is from twenty to thirty thousand. It is strictly a legal question, whether the State of Connecticut, being a party to the ordinance of 1787, waived or abandoned any portion of the reservation in her deed of cession in 1786. This question the Committee on the Judiciary is competent to decide; but the Committee on the Territories, not necessarily being composed of gentlemen of legal attainments, is not supposed to be competent to decide intricate law questions, arising from deeds of cession, ordinances, and laws.

In accepting this cession from the United States, they did not confirm the title in the State of Connecticut in that part which she reserved. She had sold it to a company; but doubts existing whether her title under the charter of Charles the Second to the land lying west of the east line of New York was valid, Congress, by an act, approved on the 28th of April, 1800, ceded to the Governor of the State of Connecticut all the land within the Connecticut Reserve, for the use and benefit of all persons holding and claiming under the State of Connecticut, on condition that the State of Connecticut, within eight months, released all her right to all other lands lying westward, northwestward, and southwestward, of the eastern line of New York, and on the further condition that said State released, within said eight months, all judicial title to the said Connecticut Western Reserve. The conditions were complied with by the State of Connecticut, by a deed of cession executed on the 30th of May, 1800.

Michigan claims under the ordinance of 1787, and the act of Congress of January 11th, 1805.

The State of Ohio, as to the Reserve mentioned, claims under the cession of the State of Connecticut of 1786.

If Michican shall contend that the State of Connecticut abandoned or waived her right by assenting to the ordinance, the State of Ohio will reply that the title to the State of Connecticut was affirmed by the United States in the act of April 28th, 1800.

The Connecticut Western Reserve has been supposed to form a part of the eastern State, according to the division of the Northwestern Territory prescribed by the ordinance; but if the ordinance abrogated the reservation of the State of Connecticut, and is unaltered, as contended by Governor Cass, in his letter of the 1st of November, 1817, and as has been said here, then all that lies north of a due east line, drawn through the southern extremity of Lake Michigan, is not within the jurisdiction of the State of Ohio, but within the present Territory of Michigan, and will, if the constitution be accepted, be a part of the new State.

He was unwilling to submit so many important legal questions, involving as they did the political rights of a large portion of his constituents, to any committee not qualified by legal learning to decide them.

The gentleman from Maryland [Mr. Howard] had exhorted the House to view the subjects calmly and dispassionately, in which he (Mr. W.) most cordially concurred.

Mr. CORWIN, of Ohio, rose and said: It was not his intention, at the opening of this discussion, to protract the debate a moment; but he was compelled, by a sense of imperative duty, to ask the attention of the House, for a few moments, to a view of this subject presented by the gentleman from Virginia [Mr. Mason] who had just taken his seat. He had also a word to say (if he had rightly understood him) to the gentleman from North Carolina, [Mr. Williams.]

The gentlemen, said Mr. C., seemed both to consider the question of boundary between Ohio and the proposed State of Michigan as a judicial question. It is very clear that, if this be a judicial question purely, it will be difficult to establish the right of this House to adjudge and determine it. It is of great importance, Mr. Speaker, that we should understand well, before we act, whether we are acting within the scope of our acknowledged constitutional powers. If there be a doubt, therefore, whether this question of boundary, or any other which may belong to the main proposition, (the admission of the new State,) be a question proper to be decided here, or referred to the judicial department, that doubt should be sufficient to send the wdole to the Judiciary Committee—that committee being, both by the law of this House and its practice, our legal and constitutional advisers.

Gentlemen will see the propriety of bringing this subject, with all its attendant topics, to the notice of that committee, when it is once perceived that the question of boundary cannot be separated from the question of admission of the new State into the Union. It is incontrovertible that we have no power to alter, modify, or amend, the constitution of Michigan. This can only be done by a convention of the people of that Territory. They have sent us an entire instrument, under which they proposed to become one of the American confederacy. We must therefore admit them with the constitution of their choice, as it is here presented, or we must reject them, if there be any thing in that constitution which compels us to that course. If gentlemen will turn to the constitution of Michigan, it will be seen that it ordains as well the boundaries of the proposed State as the rights, civil and political, of its inhabitants. They propose to become a portion of the Union, in the new character of a sovereign State, with territorial limits which comprehend a large and most interesting portion of two other sovereign States, to wit: Indiana and Ohio. This is determined by a glance at the maps of the country. The committee, then, which shall be charged with the investigation of this subject, must either leave that part of the constitution of Michigan, which ordains the boundaries of the State, out of view altogether, and admit them to come into the Union, claiming, if you please, to impose her form of government on all the people and over all the territory of Ohio and Indiana, or they must decide whether that portion of disputed territory, comprehended within the limits of the new State, belongs in truth and by law to Michigan, or to Ohio and Indiana, according to their known claims, respectively.

Will any committee, or will this House, admit a State into this Union without ascertaining its territorial jurisdiction? Or will they, if it can be avoided, admit a State into this family of republics, with a license to sue one or two of her sisters? When she comes and knocks at your door, asking permission to come into your house, that she may thereby more easily fight for and dispossess two of its old inmates of a portion of their property, will you take her by the hand and spirit her on to litigation, or more probably to a contest of force? Sir, I am very sure no such fatuity will ever possess this House; It is certain that no such necessity is imposed on us. What, then, will your committee do? They will examine and determine whether the constitution of Michigan is consistent with the rights of Indiana and Ohio.

I ask the gentlemen, not merely of the legal profession, but those of every class in this House, to whom they would apply for an opinion on such a subject, were they personally interested? Michigan claims to extend her constitution over the citizens of other States, as now constituted, by virtue of a supposed compact, to that effect, in the ordinance of 1787. How is the force of that claim to be ascertained? Who shall say whether a particular clause in that ordinance rises above the changeable and repealable character of ordinary legislation, and assumes the more sacred and inviolable nature of a contract? No man, however elevated his general attainments, can be found vain enough to imagine himself competent to give an intelligent and safe answer to the question here involved, unless he be to some extent conversant with law as a science. Again, sir: The ordinance under which Michigan claims is but a law of Congress. Ohio and Indiana both claim under acts of Congress and compacts made with them as States. If these conflict, who is competent to determine which is paramount to the other? To what committee, in short, does this House refer questions of law? The answer

given in every other case to this question has been uniform—"the standing Committee on the Judiciary." Gentlemen who look only to the isolated fact of admission into the Union will find that they can no more arrive at that point, without first meeting and deciding all the grave questions of law I have suggested, than they could transfer themselves from this hall to the northern lakes, without passing over the intermediate space.

I hope gentlemen will not deem it beneath the dignity of this House to consult in this matter a little the feelings and views of both parties to this question of boundary. With them it has always been viewed as mainly a question to be resolved by a right construction of the acts and laws of Congress. It has thus been contested on both sides. You are appealed to as a final arbiter. They will expect you to call to your aid that committee to whom the nation look for correct opinions when construction of law is the question. Who has ever heard, till now, of submitting a legal proposition to the Committee on the Territories? Sir, I disclaim all idea of drawing comparisons between the individuals composing either of these committees. I only insist that the laws of the House have assigned to each their appropriate function, and the Speaker is presumed to have arranged the talent of the House in reference to those laws. For the people of my own State I only ask a fair trial, and in the usual way. Give them these, and those fearful excitements, of which the gentleman from Virginia has spoken, will be at once subdued into acquiescence in the decision, whether friendly or adverse to their claims. But should this House, to whom the appeal, in a generous confidence, has been made, blunder in the dark upon a wrong and unusual course, and ultimately decide against them, we may then look for agitations, accompanied with more frightful violence than the gentleman has imagined.

I flatter myself that it is apparent to all, that now is the most propitious time to settle this unhappy controversy. I imagine all will agree that it is competent for this House to settle it. I entreat gentlemen not to think of leaving the question open. I appeal to the gentleman from Virginia, whether he could take pleasure in seeing three sovereign States prostrate before the judicial tribunals, asking of your courts to determine whether they were States! or, if States, whether they had any territory, and how much! Sir, unbounded as my confidence has been, and is, in the federal courts, for their sakes, as well as the country, I do not wish to see questions which agitate great political communities brought frequently before them for decision. To avoid this, and to put forever beyond the power of contest this cause of discord and disunion, I entreat the House to send this subject to the only committee competent to analyze and present in a connected view all the questions that cluster round it; and, with such a report, I do not permit myself to doubt but the House will come to a conclusion as satisfactory to, as it will be obligatory upon, all concerned.

Mr. HOWARD said, understanding it to be the wish of the gentlemen from Ohio to get a vote on their motion for a reference to the Committee on the Judiciary, he would not impede that wish, though he should himself vote against it. He hoped it would be sent to the Territorial Committee, believing, as he did, that to be the proper course. The delegation from Ohio were said to be unanimous on this question; and if the House should consent to the motion of the gentleman from that State, [Mr. HAMER,] it would perhaps create distrust in the minds of the people of Michigan. Besides, Mr. H. contended, this was not a judicial question. It was a question of expediency, entirely out of the consideration of the Judiciary Committee. There was no point of legality involved in it. He should vote against that reference; but, for the purpose of accommodating the gentleman from Ohio, would, for the present, waive his motion to refer the matter to the Committee on the Territories, pledging himself to renew it, should the House reject, as he hoped it would, the motion to refer the subject to the Committee on the Judiciary.

Mr. REYNOLDS, of Illinois, asked for the yeas and nays; which were ordered.

Mr. WILLIAMS, of North Carolina, again advocated the question before the House, that the Committee on the Judiciary was the only proper tribunal to which this subject should be sent.

Mr. H. EVERETT hoped that both questions, that of the Ohio boundary line and the Michigan constitution, would be sent to the same committee; for the consideration of the one question necessarily embraced the other. If the question of boundary was the only one, he would have no objection to send it to the Committee on the Territories; but the other involved matters purely of a legal character, and of itself would go to the Judiciary Committee. Being of opinion that both should go to the same committee, he should vote in favor of the motion then before the House, to send the whole subject to the Committee on the Judiciary.

The question was then taken on this motion, and decided as follows: Yeas 113, nays 77:

YEAS—Messrs. Chilton Allan, Heman Allen, Ashley, Bailey, Beardsley, Bell, Bond, Boon, Boyd, Briggs, Bunch, John Calhoon, W. B. Calhoun, Campbell, Carr, Carter, Casey, Chaney, Childs, Claiborne, Clark, Cleveland, Coles, Connor, Corwin, Craig, Crane, Darlington, Davis, Deberry, Denny, Evans, Everett, Farlin, Forester, French, Philo C. Fuller, Rice Garland, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hamer, Hammond, Hannegan, Hard, Hardin, Harlan, Harper, Hazeltine, Hiester, Hoar, Howell, Hubley, Hunt, Huntsman, Janes, Jarvis, Cave Johnson, Henry Johnson, Benjamin Jones, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawrence, Lay, Luke Lea, Lincoln, Lucas, Samson Mason, Maury, May, McCarty, McKennan, McLene, Mercer, Milligan, Morris, Muhlenberg, Page, Parker, Patterson, Pettigrew, Phillips, Pinckney, Reed, Rencher, John Reynolds, Russell, Wm. B. Shepard, A. H. Shepperd, Shields, Slade, Sloane, Spangler, Standefer, Storer, Taliaferro, John Thomson, W. Thompson, Underwood, Vinton, Webster, Whittlesey, L. Williams, S. Williams, Wise—113.

NAYS—Messrs. Adams, Anthony, Barton, Beale, Bean, Beaumont, Bovee, Brown, Buchanan, Burns, Cambreleng, Chapman, Chapin, Coffee, Cramer, Cushman, Dickerson, Doubleday, Dromgoole, Efner, Fairfield, Fowler, William K. Fuller, Galbraith James Garland, Gillet, Glascock, Haley, Samuel S. Harrison, Albert G. Harrison, Haynes, Henderson, Holsey, Hopkins, Howard, Huntington, Ingham, Wm. Jackson, Jabez Jackson, Joseph Johnson, John W. Jones, Judson, Laporte, Lawler, J. Lee, Leonard Loyall, Lyon, Abijah Mann, Job Mann, Martin, John Y. Mason, Moses Mason, McKeon, McKim, Miller, Montgomery, Morgan, Owens, Parks, Franklin Pierce, D. J. Pearce, Phelps, Joseph Reynolds, Rogers, Schenck, Seymour, Smith, Sprague, Taylor, Toucey, Towns, Turrill, Vanderpoel, Wagener, Ward, Weeks—77.

So the message of the President of the United States, and the accompanying documents, were referred to the Committee on the Judiciary.

Mr. HOWARD expressed his hope that the House would then take up the motion to reconsider the reference of the papers on the northern boundary line of Ohio to a select committee, and he moved a suspension of the rules for that purpose. The rules were suspended: Ayes 124, noes not counted.

Mr. J. Q. ADAMS inquired what would be the effect if the motion to reconsider prevailed?

The CHAIR said it would place the subject in possession of the House, precisely as if no reference had ever been made.

Mr. BOND, of Ohio, said that, in common with all his colleagues, he felt a peculiar desire that the motion now under consideration might prevail. I will not (said Mr. B.) attempt to disguise the fact that I cherish a deep and abiding interest in the result. The subject which gives rise to this motion, sir, is one of universal and intense interest in Ohio, and the remark made the other day by one of my colleagues, expressive of the unanimity of our entire delegation in Congress, is equally true as to the whole population of our State. No matter what is or may have been the difference of opinion among us, touching many of the great questions which occasionally excite and agitate this nation, I take leave to say, sir, that the people of Ohio, in relation to the subject-matter of the President's message now under consideration, believing it to affect their sovereignty, are one and undivided. It must therefore be manifest to the House, that a subject which so suddenly unites both sections of two great parties, holding generally adverse opinions, must possess more than ordinary influence.

I appeal, then, to you, Mr. Speaker, and to the House, if, in disposing of this motion, great care should not be taken to impress all the parties in interest with a conviction that the utmost fairness and impartiality have marked our deliberations and proceedings in regard to it. If it should appear that the question has been prejudged, or committed to a tribunal any member of which has already decided it, it is absolutely certain that you will fail in reconciling the losing party to your judgment, although its propriety and justice may be susceptible of easy demonstration. It is admitted to be most desirable to convince all the parties in a controversy, that they stand upon an equality before their triers. If they believe in the impartiality of the tribunal, they are the more ready to abide the judgment, though adverse to their wishes. But if a contrary impression is created, you can never appease those against whom you decide, and thus will defeat one of the great ends of government.

I have been induced to make these suggestions, Mr. Speaker, because of the ascertained and deliberate judgment and decision of the distinguished chairman of the select committee to whom this subject has been referred. I beg the worthy gentleman to pardon me in making this allusion to him. I assure him it is not done in any spirit of unkindness, nor from the slightest motive of disrespect. I have been an observer of a part of the long and distinguished public career of that gentleman, and have seen in it much to approve, and nothing that would occasion me, knowingly, to wound his feelings. I do not complain, sir, because the gentleman has examined the subject, nor because he has made up and publicly expressed an opinion against us. All this he had an unquestionable right to do, and, indeed, I believe was probably constrained to examine the subject from his official station in this House at a former session. But a high and solemn sense of duty enjoins it on me to say that, having done these things, the worthy gentleman is not an impartial trier, and that it would be but mockery to send this subject to him, under the pretence of his now investigating it, and reporting the result to this House. Sir, we already know his opinions and his judgment upon this matter; and I assimilate the case to that of a juror who, having once sat in a cause, is disqualified from being placed on the *venire* in any subsequent trial of the same matter.

Mr. Speaker, I am an entire stranger to the opinions of all the other gentlemen named on this committee. I am not sure that I have the honor of an acquaintance with any of them, but hope to have before our session closes. But, in pressing this motion, sir, it is due from me to say to them all, as I have already said to their chairman, and I do it with great pleasure, that it is far from my wish to offer the committee, collectively or individually, the slightest disrespect. An earnest desire, as you will recollect, Mr. Speaker, was felt and expressed by myself to you, in person, that this committee should not be named until this motion, which the gentleman from Maryland [Mr. Howard] had then given notice he would make, should be disposed of. In this request, the gentleman from Maryland, to whom I have alluded, was kind enough to unite. I regret, sir, that your imperative sense of duty prevented a compliance with our request. No doubt the Chair was right; but could I have been indulged, I should have been relieved from performing this day what cannot but be esteemed a delicate and unpleasant duty.

But, Mr. Speaker, I ask the reconsideration of this motion on other grounds, which I esteem equally strong, and which happily involve no question of fastidious delicacy.

There are questions of high legal import involved in this dispute—matters for judicial inquiry. It is unnecessary now to press them. The construction, too, and legal interpretation of several acts of Congress, and of what, on a former occasion, was justly termed by the gentleman from Massachusetts the "matchless and irrepealable ordinance of 1787," all necessarily attend this investigation.

If, indeed, as has been said by the gentleman from Vermont, [Mr. Everett,] there are mixed questions of law and fact, coupled also with those of expediency, still greater is the necessity for having a trained legal mind to separate and decide them. By our rules we have a standing Committee on the Judiciary, composed, as it is presumed to be, of gentlemen eminent for their legal acquirements, and who may be said to be the legal advisers and counsellors of this House. It is to this committee, sir, that we should look for the investigation and determination of such questions as I have stated to be involved in this subject; and admitting that there are gentlemen of eminent legal acquirements on the select committee, and I am far from disputing it, still it would be productive of great confusion and irregularity to vary from what is, or ought to be, the settled practice of the House.

It is wrong to commit legal or judicial inquiries to any other than our standing committee on such subjects. It would be an encroachment on the province of that committee, and ought not to be indulged in for slight causes.

Before taking my seat, sir, I must be permitted to allude to a remark thrown out by the gentleman from Maryland, [Mr. Howard,] at whose hands I have already received too much kindness to suppose he would knowingly press a fallacious argument against us.

In discussing a matter nearly connected with this now under consideration, my friend from Maryland thought that the House ought not to refer it to the Judiciary Committee, since it was known to be the unanimous wish of the delegation from Ohio that it should be so done, as it might therefore be charged that there was partiality, or an undue influence, by our undivided front. Now, so far from this being a just inference from such premises, I would ask if something is not fairly due to the joint request of any delegation, great or small, where it is respectfully made? But still greater is the propriety of complying with such request, where it is in itself reasonable; and, above all, where the committee to whom they ask a subject to be sent is impartial and un-

committed, and the matter fully within its appropriate sphere of inquiry.

We know, sir, that "in union there is strength;" and I should be very sorry that a virtue which is so essential to the duration of all our institutions should be urged against us as impairing our rights. But I most fondly cherish the hope, Mr. Speaker, that this motion to reconsider will receive the kind indulgence of the House.

Mr. ADAMS rose and said: I have very little to say against the reconsideration of this question; for, if it is the opinion of the House that it ought to reconsidered and referred to another committee, it will certainly relieve me and my colleagues from an exceedingly laborious and painful duty. But, sir, the objection which has been made by the member from Ohio, [Mr. BOND,] against the confidance of this duty into the hands of this committee, is one which seems to require of me some reply.

It is, indeed, very true that at the last session of Congress, entirely without any foreknowledge of mine, either of the proposition or of the merits of this question, a bill from the Senate, establishing the boundary line of the State of Ohio, and, I believe also, of the States of Indiana and Illinois, came to this House, and was referred to a seleet committee, of which it was the pleasure of the Speaker to appoint me chairman. It is also true that the committee consisted then of seven members; six of whom concurred that the State of Ohio had no right whatsoever to the boundaries contested for by her; that six out of the seven were of opinion that the Territory of Michigan was entitled, by every law, human and divine, to the boundary which she claimed. Six out of seven!

Sir, since that time, transactions of great moment to the peace and welfare of this Union have occurred. The State of Ohio, by her legislative and executive authorities, has gone on to settle this question by main force. Armies have been arrayed by the State of Ohio, to settle this question by force; and that those armies have not been met by the adverse and hostile armies of the other party, had been more owing, probably, to the discretion of the President of the United States, than to the discretion of either of the parties to this controversy. Under these circumstances, the peace having been preserved between the two parties, (if my friend from Ohio will permit me to consider the Territory of Michigan as a party to this matter, however the State of Ohio may deny that she is so,) peace, I say, having been preserved, at the commencement of this session the President of the United States transmitted to Congress two messages; the one containing the constitution of the State of Michigan, formed by the people of that State, as they conceived, conformably to the rights secured to them as citizens of the United States by the constitution of the United States; and upon that constitution, formed with a boundary line given to that Territory by an act of Congress of the year 1805, under the irrepealable ordinance of 1787, constituting the same identical boundaries, the President of the United States had sent a message. The Representative of that State had presented himself here, and, under the claim of rights secured to him by the constitution, as a citizen of the United States, he claimed a seat here. In the other branch of the Legislature, two Senators, elected upon the same principles, and under the same claim of right, have presented themselves for admission to that body. Sir, to my regret, (and I speak only of what occurred in this body,) the Representative of the State of Michigan has not yet been admitted upon your floor, not even as a common spectator.

Sir, it becomes my duty to be perfectly explicit upon this subject. I pretend to no such thing as impartiality between the two parties; and if the sentiment of partiality, or the sentiment of justice, which I believe belongs to one of them, is to disqualify me as a member of this committee, I ask the House how they will qualify the twenty-nine members of this House, several of whom have shown such deep feeling in this controversy? Theirs is not a question of partiality, but of the highest and deepest interest; a matter upon which, while on all other subjects they differ as widely as the poles, they have told you that they are all united as one man. Yes, sir, nineteen members from Ohio, seven from Indiana, and three from Illinois, are all united as one man. And why? Sir, I wish to say that I consider them all as men with a sense of justice at their hearts as full and entire as my own; but upon this question they are interested. This is not a question of partiality or impartiality with them; they cannot but have an opinion different from that which others entertain. With them, it is a question of interest, not of right, upon which they and their fellow-citizens held their arms in their hands to shed the blood of their fellow-citizens, and to sustain their rights, with the same unanimity with which they come here to speak, and sustain, and vote, for that interest. And, sir, because a member of the House, having no interest under heaven in this issue, not considering it as a measure of interest, but as a question of right and wrong, had heretofore, in the discharge of his duty to the House and the country, expressed an opinion that they have nothing but power, and no right on their side—when the subject comes here to go to a committee, not to decide, but merely to give counsel and advice—they get up and tell you that the member is disqualified. Sir, I cannot help admiring the sense of justice which enables these gentlemen to disqualify a member because he had an opinion not suited to their interests; and then to vote, twenty-nine of them, one after another, upon every question connected with this case.

Sir, I will say one word more. There are twenty-nine members on the one side, exercising the right to speak and to vote, and all of whom represent States which are directly interested in the question. On the other side, I look around, and I see only a single individual representing the Territory of Michigan. I have no doubt he is fully qualified to sustain the rights of his Territory upon this floor by all the power of speech which has been displayed by the adversaries of Michigan, but he has no vote; and I believe, in the general estimation of us all, a vote here is worth more than a speech, be the speech from whom it will.

Sir, one word more. I am afraid that, besides the twenty-nine votes depending here upon the issue of these questions, there are thirty-five votes of another description, which may unfortunately have more influence than they ought to have in the final decision of this subject in another place. But, sir, I have said it is my duty to be fair and explicit. I offered the resolution, referring these papers to a select committee, not on my own inclination, for no public duty that I ever discharged could come more ungraciously to me, but at the request of these gentlemen who are here knocking at your door, claiming to be Representatives like yourselves, and whom you have not yet admitted. I was well aware of the objection that could be taken to my having any concern with this matter, other than that of voting upon it when the yeas and nays were called upon any question in relation to it, on the ground that I had formed an opinion. But, really, when I considered the alternative part of the proposition, the number of votes upon the one side, with the solitary voice on the other, I thought I was not justified in refusing the request.

For what was it? I have said the subject was not to be decided by, but merely referred to, a committee, the duty of whose chairman would be to present a report to this House for its consideration, which should present

the whole merits of this question before the House; which has not yet been done.

The report of the committee of the Senate simply declares that the committee had no doubt of the right of Congress to settle the disputed boundary conformably to the claim of Ohio. That report I think I have seen qualified in one of the official documents from the State of Ohio, as a very able report—yes, sir, and this great ability consisted in a simple declaration that the committee had no doubt of the power of Congress, to settle the boundary; but not one iota of argument, nor one single allusion to any question of right between the parties, did it contain. Upon that report the Senate did pass a bill, which, when it came to us, was referred to a select committee of this House, of which I was appointed chairman. After hearing the parties on both sides, day after day, for a week; after hearing an able argument from one of the most intelligent members of the Ohio delegation on the one side, and from the delegate of the Territory of Michigan on the other, the committee came to the conclusion, which it then stated to the House, that the bill ought not to pass. They made no report, because there was no time to draw it up. Upon that expression of opinion a discussion arose in the House, towards the close of the session, when I gave my views upon the question generally. Now, sir, when those gentlemen came to me, and asked me to move the reference of the two messages to a select committee, I told them that I would move the reference of one subject (that of the boundary) to a select committee, and said that, for the full establishment of justice between the parties, I thought it was proper that the two messages should be referred to two distinct committees. If they concurred, the decision would be more harmonious; and if they differed, every thing then would be said on both sides of the question. I therefore moved to refer the one to a select committee, leaving the other to take such direction as the House should think proper.

Sir, I have stated to the House the course of my proceedings, and the character of my motives. I have been explicit—there is no doubt upon my opinion. I have nothing more to say. The House will decide as they shall think fit and consistent with justice. I shall feel myself relieved from one of the most painful public duties I have ever performed, if they should transfer the duties to be performed by the chairman of the select committee to the chairman of some other committee of the House.

Mr. STORER, of Ohio, said: It is with great pain, Mr. Speaker, that I feel compelled to object to the reference of the question under debate to the select committee, and of which the honorable and venerable gentleman from Massachusetts is the chairman. If, sir, in the course of my remarks, he should regard any sentiment I might utter as severe, I beg him to impute the necessity under which I am placed as a sufficient apology. Between that gentleman and myself there ought to be but the kindest feelings. In days that have gone by I have sustained him, sir, when few cried "God bless him!" and since that period, in every vicissitude of his eventful life, I have marked with intense interest his career. It is not when I object to his supervision over the interest of Ohio that I would, in the most remote degree, question his high qualifications to discharge his duties, wherever and whenever he may be called on to exert his great mind; but, sir, I wish that the sun of his fame should set in splendor: that, in the decline of his memorable life, no clouds or darkness should rest upon it.

My colleague, to whom the gentleman from Massachusetts has just replied, very properly excepted to the propriety of the reference, as the chairman of the select committee had already expressed his opinions in strong and decided terms. The reasons he has urged I do not consider have been answered, and I regard them as unanswerable.

It is said, sir, that there is no delicacy on our part to act as triers of this question, though we object to the chairman of the special committee, as having already decided against us. Suppose for a moment that the analogy between the cases was perfect, what does it prove? Why, sir, that the gentleman from Massachusetts excuses one act of indelicacy by the exhibition of another. This, sir, is not a sound mode of reasoning, as it admits the weakness of the one position, while it would expose that of the other. But there is a most palpable distinction between the two cases. Although the delegation of Ohio will pass upon the question by their votes, they have not asked to prepare the case, to find the indictment upon which the whole matter must be tried. If any one of my colleagues should have sought the reference of the President's message to a committee of which he was, or would by courtesy be, the chairman, then the cases alluded to would have been apposite. As we now stand, sir, the parallel does not hold, and the attempted display of wit is gratuitous.

We wish, sir, that the committee who are to act as the grand inquest in this whole matter, who are to prepare the issue we are to try, and in which such important interests are involved, should be without bias, uncommitted, impartial. Their report, for good or for ill, must have an influence upon the question. It will be published and read long before the ultimate principles it involves are decided, and long before its effects can be counteracted; for, sir, I assume it as true that ours is, in a most interesting sense, a Government of opinion; and, whatever may be our decisions here, they will be judged by the people upon their own view of the case. Now, the report of a committee furnishing all the facts upon which that opinion is to operate, it is the only criterion by which our acts are to be tested. How desirable, then, is it, sir, that those who make the presentment should come to the subject untrammelled by prejudice and uncontrolled by feeling.

If such is the result in ordinary cases, how strongly does the argument now apply? The whole force of a powerful, clear, and cultivated mind, the whole force of great political and moral character, are to be concentrated upon a subject which it is admitted has been already prejudged. Sir, I protest against the occurrence of such a contingency. I know full well the ability with which the honorable gentleman will prepare his report, and I know, also, the avidity with which every thing that comes from his pen is perused. I cannot, therefore, consent that he shall write us down, in the threshold of the question, as he has generally done all his antagonists. We wish to be heard, before the blow that decides our fate is struck, and courteously, yet firmly, would insist that it is our right, as we know it is our duty, to challenge for favor, if necessary, any one of the panel who has prejudged the cause. I would appeal, then, to the honorable gentleman, and entreat him, when there is so much at stake, to decline his opposition to the reference, and reserve his strength for the final struggle.

The honorable gentleman has said that there are twenty-nine members on this floor, who moved in solid column, while the Government of Michigan has no advocate here. Sir, the gentleman does himself great injustice; for I am satisfied, without any disparagement to any representative that might be selected to protect the rights of Michigan, they could not be more ably, zealously, and untiringly sustained than they have been, and I have no doubt will be, by that honorable gentleman. There is no fear, then, that the Territory will not have the most paternal care exerted in her behalf, and the most commanding eloquence invoked in her defence.

It was said by the gentleman from Massachusetts, that Ohio had resorted to force, and that even blood would have been shed had it not been for the mediation of the President of the United States. Sir, the picture is exaggerated: whatever of war, or rumors of war, may have been heard this side the mountains, our peaceful valley has not yet been disturbed by such fanciful conflicts. In all the marchings and countermarchings of an armed force, we hold that Michigan has had the honor of the *melee* to herself. The battle ground has been hers only; and if there has been a conflict, she has sought it. Sir, if the chronicles of the times have exhibited the same facts to the gentleman that they have to me, he will find that the acting Governor of Michigan has been on the disputed territory, in the presence of his troops; and I am authorized to assert, also, that, in March last, on his requisition, the officer commanding the arsenal at Detroit issued one thousand stand of muskets, with seventy-five thousand ball cartridges, to maintain, as was said, the "integrity and laws of Michigan." Yes, sir, the arms of the United States were placed in the hands of the Executive of Michigan, by a federal officer, to be used against the people of Ohio. Sir, when the President was advised of this startling fact, he instructed the Secretary of War to direct that the arms and ammunition should be returned immediately, and intimated, at the same time, that the requisition could not be approved.

It gives me pleasure, sir, to believe that the President has always discountenanced the conduct of the Executive of Michigan, and that he has exerted himself to quiet the difficulties on our border. He has appointed a commission of intelligent gentlemen, who repaired to the frontier, and, as they supposed, in good faith, had arranged, for a time at least, the cause of contention. He has expressed himself, in decided terms, that our boundary should be settled before the admission of Michigan into the Union, as I am assured by the letter of my honorable predecessor to the Governor of Ohio, heretofore communicated by him to the Legislature of that State. I agree with the gentleman, that the President has exerted himself to bring about an amicable settlement of the question; and, so far as Ohio is concerned, I feel constrained to say she has acted in strict accordance with every stipulation she has made.

Sir, it is unjust and ungenerous to assail Ohio in the manner and language we have witnessed upon this floor; and he is her recreant son who will not cast back the reproach, and stand forth as her champion.

I had hoped, sir, that the remembrance of the bloodless frays upon our frontier would have been known only in the border tales of the West; that they would not have received form and substance, too, from the plastic hand and poetic genius of the honorable gentleman from Massachusetts. But, sir, I am mistaken. The events in the Northwest are now matter of history, and will descend to future time in the glowing diction of him who has chronicled them in this day's debate.

Sir, I make a final appeal to the gentleman from Massachusetts. The people of Ohio have, on more than one occasion, given him the strongest proofs of their regard, and they still cherish for the memory of his distinguished ancestor all the consideration that his eminent services in their behalf so justly have claimed. Sir, it cannot be unknown to this House, that, during the negotiation of the treaty of 1783, at Versailles, the British minister insisted that the river Ohio should be the boundary of the United States; and it was while thus narrowed down in her territory that her borders were not only extended, but finally carried to the lakes and the Mississippi, by the uncompromising firmness and unconquered vigilance of John Adams.

Sir, we cannot forget the past; and though we have witnessed to-day much to regret and much to disapprove, still I trust that the honorable gentleman will listen to my appeal, and withdraw his opposition to the reference. He cannot forget his speech in February last, on this floor, when he covered the whole ground of the present controversy, and where he has unalterably committed himself against Ohio—a speech that has been this morning recognised as his proper offspring, and all its leading arguments again reiterated.

Sir, I thank the House for their indulgence, and close with a confident hope that the motion to reconsider will prevail.

Mr. LANE next addressed the House, in reply to the gentleman from Massachusetts, and in opposition to the reference to a select committee. He was in favor of sending the subject to the Committee on the Judiciary—a committee which would do entire justice to all parties concerned.

Mr. VINTON said it was not his intention to enter into the debate on this motion; but the remarks which had fallen from the gentleman from Massachusetts [Mr. ADAMS] impelled him, from a sense of duty, to throw himself upon the attention of the House. Deeply as he felt on this subject, he would endeavor to avoid the indulgence of feeling which the gentleman from Massachusetts, in the course of his remarks, had manifested. The open avowal of that gentleman, that he did not pretend to be impartial, and that he had consented, at the instance of the agents of the Territory of Michigan, to take this question of disputed boundary into his hands, not for the purpose of deciding upon it according to its merits, but with the view of opposing and defeating the claim of the State of Ohio, brought the House directly up to the decision of the question, whether it would tolerate and sustain the gentleman in that attempt. If it would, he, as one of the Representatives of the State of Ohio, desired to know it; and the sooner that information went to the people and Legislature of the State, now in session, the better, as they would then know what sort of justice to expect here. The people of the State of Ohio, of all classes, are as thoroughly satisfied of the justice of their claim as the gentleman from Massachusetts is of its injustice. And a majority of the people of that State were firmly persuaded they were called upon to sustain the dignity and honor of the State against the repeated and unprovoked aggressions of the authorities of the Territory of Michigan, during the past season, upon the jurisdiction of the State, and to repel by force their lawless acts of military violence.

A portion of the community had used their endeavors to persuade the people to stay their hand, and to wait the action of Congress on this subject; they were assured they might rely on the justice and impartiality of Congress. He was one of those who had taken that course; and he stood pledged that, whatever might be the decision here, reliance might be placed on the justice and impartiality of this body. If, when the inflammatory speech of the gentleman from Massachusetts, with his undisguised avowal of his intentions, shall go forth to the people of Ohio, already excited and smarting under a deep sense of outrage and injustice, the vote of this House, sustaining him in his attempt, shall accompany that avowal, there can be no mistaking its effect among them. They are not in a temper, sir, quietly to submit to a disregard here of even the appearance of justice and impartiality.

The gentleman, sir, discloses the fact that the agents of Michigan, now in this city, solicited him to take this subject into his charge, and that he promised to further their designs by moving a select committee, of which, by the courtesy of the House, he would be made the chairman, and that, too, with a settled determination to make up a report against the State of Ohio. I beg leave,

sir, to contrast the course of the agents of Michigan, and of the gentleman from Massachusetts, with that heretofore pursued by the delegation from Ohio in the conduct of this question. The Senate of the United States, at each session of the last Congress, passed a bill to confirm the boundary of Ohio. It so happened that there was a member from the State of Ohio on the Committee on the Judiciary, and on the Committee on the Territories. A gentleman from the State of Ohio, not now a member of this House, had in both instances moved the commitment of the bill to a select committee, stating to the House, as his reason for so doing, that it was the desire of the Ohio delegation that the committee should be composed wholly from States having no interest in the question in dispute; and at the same time expressing a wish that he might not be named as chairman of the committee, at the head of which he would be entitled by courtesy to be placed, as the mover of the order. In both instances, the committee was organized according to the request of the mover. Now, sir, I leave the course of the delegation from Ohio to speak for itself, when contrasted with this attempt of the agents of Michigan to obtain a one-sided report.

The gentleman seems to think that, because the members from Ohio may vote upon this question, he, as the avowed partisan of Michigan, may, with the same propriety, preside over the committee who shall report the facts and law to the House. If any member from the State of Ohio should attempt to take charge of the question as chairman of the committee, or to thrust himself into the committee as a member of it, then, and not till then, will the analogy between us and the gentleman's present position hold good; and no gentleman can deny that a member from Ohio might not be placed on the committee with as much propriety as the gentleman from Massachusetts can be permitted to retain his place on it.

The gentleman has informed you, and his statement is true, that at the last session a week was consumed in debating this question before the select committee. The statement itself must satisfy every member of this body of the impossibility of making the question, in all its details, understood in the House; and that, in coming to its decision, it must rely mainly upon the industry, impartiality, and cautious scrutiny of the committee. A right understanding of it involves the necessity of going back to the very foundation of the legislative and political history of the western country; of entering into a comparison of the early and modern geography of the country, and the true construction of a complicated series of laws and ordinances, through a period of half a century. Ancient and modern maps must be examined. The very number of the House renders it impracticable for each member, as the debate progresses, to obtain a personal inspection and explanation of them, while the committee, from the smallness of its number, can sit down and go through all the details and facts with the caution and accuracy of which the proceedings of a judicial tribunal are susceptible. To commit such a question, involving rights of vital importance to three States of the Union, into the charge of one who has already avowed his hostility to them, is worse than mockery.

Again, sir: this subject is brought here for the action of the House upon it. I cannot forget that the gentleman from Massachusetts, at the last session of Congress, declared it as his opinion that there ought to be no action of Congress upon this subject; and yet, sir, strange as it may seem, the gentleman comes forward and proffers to take it into his charge, while, at the same time, he gives us ample evidence that his opinion has undergone no change. Now, sir, I am for putting it in the charge of those who will bring it forward for the action and decision of the House. The gentleman, sir, from Massachusetts, has disqualified himself from taking this subject into his hands, not only by his declaration that there ought to be no action upon it, but also by his course last session, when it was under his charge. A speech of the gentleman, made at the last session, which went the rounds of the country, and has been several times referred to during this debate, would naturally lead all who did not know the facts to suppose the bill, then under his charge as chairman of the committee, had been under the consideration of Congress at the time it was delivered. Not so, sir. The gentleman, instead of asking the commitment of the bill when it was reported back from the select committee, or taking any order in reference to it, left it where, in the then state of business in the House, it was altogether impossible for its friends to bring it before the House. While the bill was thus situated, at a time when it was not before the House, the gentleman went out of his way, and beyond the pale of the rules of the House, to assail the bill, and to pronounce a violent philippic against it and the States interested in it. It was impossible to make any reply to the assertions then made by the gentleman, both because the merits of so complicated a subject could not be gone into in detail when the bill was not before the House, and because the state of its business would not justify the necessary consumption of time required to enter into the discussion.

The member [Mr. Binney] of the select committee who, as has been stated by the gentleman from Massachusetts, dissented from the opinion of the other six, and who is not now a member of this House, said, in reply, that he would not be drawn into the discussion of the merits of the bill at that time; but that whenever it should come up for consideration, he was prepared to show that the construction put upon the ordinance of 1787, by the gentleman from Massachusetts, was wholly groundless and untenable. That gentleman, who, for legal attainments, has no superior in this House or in this nation, gave to the subject in all its details the fullest investigation, which brought him to believe in the justice of the claim of Ohio, as firmly as the gentleman from Massachusetts does in its injustice.

The gentleman from Massachusetts had gone out of his way to remark, upon the report of the Judiciary Committee of the Senate on the subject of the Ohio boundary, and had seen fit to throw out an intimation that their report was wanting in ability, from which we are to infer it is not entitled to our respect. Whether it be or be not in order for the gentleman from Massachusetts to introduce the proceedings of that body into this House, he (Mr. V.) would not undertake to decide; but he would state what he knew of their report, and gentlemen might decide for themselves how far their opinion is entitled to respect. That committee was composed of gentlemen, not only eminent for legal acquirements, but among the most eminent in the States from which they came. The question was most elaborately argued before that committee. Every thing that could be said in favor of the pretensions of Michigan was said—the opening argument for Michigan having occupied an entire day and a half. The committee gave the most scrupulous attention to every thing that was said, and investigated the subject in all its details with the most cautious scrutiny. He (Mr. V.) was able to state what occurred in the committee of the Senate, as he was deputed by the delegation from Ohio to argue the question on behalf of the State before the committee—a duty which he had performed. The result was, that committee came to the unanimous opinion that the State of Ohio was entitled to be confirmed in her claim, and so reported to the Senate. In that body this question has been twice debated, and a bill to confirm the boundary of Ohio has been twice passed by a vote of

something like thirty to nine. This statement of facts, sir, may lead us to doubt whether the claim of Ohio is so totally groundless as the gentleman from Massachusetts asserts it to be; and we may justly entertain some suspicion of the soundness of the gentleman's own opinion, when he declares that Michigan is entitled to the country in dispute "by every law, human and divine."

Mr. V. said that, when the bill came from the Senate to the House, by the direction of the delegation from his State, he had argued the question before the select committee of which the gentleman from Massachusetts was chairman. He had endeavored to discharge his duty to his State faithfully; but with how little success the gentleman has already informed the House. Mr. V. said that he did not know that his colleagues would be disposed again to devolve upon him the discharge of so important a duty. But he would say that, after what had happened, and after the avowals which the gentleman had made to-day, he should be restrained by self-respect from going before that gentleman to argue the question. He said it had fallen to his lot to attempt in a court of justice to argue a question which the judge had already decided; but in a case like the present, he would not submit to the oppression of feeling attendant upon such an effort; nor would he, under existing circumstances, argue it before him, out of respect to his State; and when the gentleman's speech shall go to Ohio, he doubted not but the united voice of the people and of the Legislature would forbid the argument of their claim before him.

Mr. V. said the opinion had been expressed from different sides of the House, that the two questions of the admission of Michigan with the boundaries she has assumed for herself, and the question relating to the boundary of the States of Ohio, Indiana, and Illinois, ought to be referred to the same committee, since both involve to the fullest extent the question of boundary in dispute. The House having already decided that the former should go to the Judiciary Committee, there seemed to be a peculiar fitness that the latter should accompany it. And he would again repeat, in conclusion, that the latter question cannot be left in the hands of the gentleman from Massachusetts, after the declaration he has made of his motives, without marked disrespect, on the part of the House, to the States whose rights are involved in the reference.

The question was then taken by yeas and nays, on the pending motion, and decided in the affirmative, 107 to 79, as follows:

YEAS—Messrs. Chilton Allan, Bailey, Bockee, Bond, Boon, Buchanan, Bunch, William B. Calhoun, Campbell, Carter, Casey, Chaney, Chapman, Chapin, Childs, Claiborne, Clark, Connor, Corwin, Craig, Crane, Cushing, Davis, Dromgoole, Efner, Evans, Everett, Farlin, Forester, Philo C. Fuller, James Garland, Rice Garland, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hamer, Hammond, Hannegan, Hardin, Harlan, Harper, Samuel S. Harrison, Hazeltine, Hoar, Howard, Howell, Hubley, Huntsman, Janes, Jarvis, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lawrence, Gideon Lee, Luke Lea, Loyall, Lucas, Martin, Samson Mason, Maury, May, McCarty, McKennan, McKim, McLene, Mercer, Morris, Page, Patterson, Pettigrew, Phillips, Pinckney, Reed, Rencher, John Reynolds, Rogers, Russell, Augustine H. Shepard, William B. Shepperd, Shields, Slade, Sloane, Spangler, Standefer, Storer, Taliaferro, Thomas, John Thomson, Waddy Thompson, Toucey, Underwood, Vinton, Webster, Whittlesey, Lewis Williams, Wise—107.

NAYS—Messrs. Adams, Heman Allen, Anthony, Ashley, Barton, Beale, Bean, Beardsley, Beaumont, Borden, Briggs, Brown, Bynum, Cambreleng, John Chambers, Cleveland, Coffee, Cushman, Darlington, Deberry, Denny, Doubleday, Fairfield, Fowler, French, William K. Fuller, Galbraith, Gillet, Glascock, Haley, Joseph Hall, Haynes, Henderson, Hiester, Holsey, Hopkins, Hunt, Ingham, Jabez Jackson, Joseph Johnson, Cave Johnson, Lansing, Laporte, Lawler, Lay, Joshua Lee, Leonard, Lincoln, Lyon, Job Mann, John Y. Mason, William Mason, Moses Mason, McComas, Miller, Montgomery, Morgan, Muhlenberg, Parker, Parks, Franklin Pierce, Dutee J. Pearce, Phelps, Potts, Robertson, Schenck, Seymour, Shinn, Smith, Sprague, Taylor, Towns, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Weeks, Sherrod Williams—79.

So the House agreed to reconsider the vote referring the boundary question to a select committee.

The CHAIR stated that the question would be on the original motion, to refer the subject to a select committee.

Mr. ADAMS withdrew the motion of reference to a select committee.

Mr. HAMER moved that the subject be referred to the Committee on the Judiciary; and it was agreed to without a count.

The House then adjourned.

TUESDAY, DECEMBER 29.

Mr. ELY MOORE, one of the Representatives from New York, appeared, was qualified, and took his seat.

Mr. CAMBRELENG moved a suspension of the rules of the House, to enable such committees as were ready to do so to report bills; but the motion was negatived without a division.

Mr. CAMBRELENG then moved to suspend the rules so far as to allow the Committee of Ways and Means to report sundry appropriation bills; but this motion was also negatived, (two-thirds of the number of members present being required to sustain it,) by the vote of ayes 50, noes 93.

NEW YORK SUFFERERS BY FIRE.

Amongst other petitions presented by the gentleman last named, was one from certain merchants who were sufferers from the recent destructive fire in the city of New York, in relation to which

Mr. CAMBRELENG said he should have pressed its immediate consideration, had it not been that further action was anticipated on this subject, such as might tend to meet the views of the petitioners. The subject was already before the House, but the arrival of a committee, deputed by the merchants of New York, was expected in this city on Monday next. The propositions contained in the petition he had presented, as to the laws of the land, were of the highest importance. He should therefore move that so much of the petition as related to subjects not comprised in the former petition should be referred to a Committee of the Whole on the state of the Union; the remainder to the Committee of Ways and Means.

The motion was unanimously agreed to.

The remainder of the day was spent in the reception and disposing of petitions, bills, &c., till the hour of adjournment.

WEDNESDAY, DECEMBER 30.

REPRESENTATIVE FROM MICHIGAN.

Mr. BEARDSLEY said it was within the recollection of the House that, a few days since, he had moved that the gentleman who had presented himself there as a Representative from what is called the State of Michigan, be permitted to occupy a seat on the floor during the sittings of the House. It seemed due from himself that he

should ask the House to consider that motion; but, before doing so, he wished to suggest that he designed to modify his proposition, by merely asking the House to permit that gentleman to come within the hall during the sittings of the House in the character of a spectator; that, he trusted, would be acceptable to the whole House; and he had done it with reference to former precedents, particularly that of the State of Tennessee. Mr. B. then sent his modified proposition to the Chair, to be read from the Clerk's table for the information of the House, and was as follows:

Resolved, That Isaac E. Crary, who claims to have been duly elected a member of this House, be admitted as a spectator within the hall during the sittings of this House.

Objection being made,

Mr. BEARDSLEY moved to suspend the rules of the House to enable him to make the motion, and asked for the yeas and nays; which were ordered, and which were as follows:

YEAS—Messrs. John Q. Adams, Ashley, Bailey, Barton, Bean, Beardsley, Bockee, Boon, Borden, Bovee, Boyd, Briggs, Brown, Buchanan, Cambreleng, Campbell, Chapman, Chapin, Childs, Claiborne, Clark, Cleveland, Connor, Corwin, Craig, Cramer, Crane, Cushing, Cushman, Darlington, Deberry, Dickerson, Doubleday, Dromgoole, Efner, Everett, Fairfield, Farlin, P. C. Fuller, Galbraith, J. Garland, R. Garland, Gillet, Glascock, Granger, Grennell, Haley, J. Hall, Hamer, Hard, S. S. Harrison, A. G. Harrison, Haynes, Hazeltine, Henderson, Hiester, Hoar, Howard, Howell, Hubley, Hunt, Huntington, Ingham, W. Jackson, J. Jackson, Janes, J. Johnson, R. M. Johnson, Cave Johnson, H. Johnson, J. W. Jones, Judson, Kennon, Kilgore, Lane, Lansing, Laporte, Lawler, Lawrence, Lay, T. Lee, Leonard, Lincoln, Loyall, Lyon, A. Mann, J. K. Mann, Martin, W. Mason, M. Mason, S. Mason, Maury, McKay, McKennan, McKeon, McKim, Miller, Montgomery, Moore, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, Phillips, Potts, Reed, Joseph Reynolds, Roane, Rogers, Schenck, Seymour, Slade, Sloane, Smith, Sprague, Storer, Taliaferro, Thomas, J. Thomson, Toucey, Turner, Turrill, Vanderpoel, Wagener, Wardwell, Weeks, Whittlesey—133.

NAYS—Messrs. C. Allan, Beale, Bond, Bunch, J. Calhoon, W. B. Calhoun, Carr, Carter, Casey, J. Chambers, Coles, Davis, Denny, Evans, Forester, French, Graham, Graves, Grayson, Griffin, Hammond, Hannegan, Hopkins, Huntsman, Jarvis, Kinnard, L. Lea, Lucas, May, McCarty, McLene, Mercer, Morgan, J. A. Pearce, Pettigrew, Pickens, Pinckney, John Reynolds, Russell, W. B. Shepard, A. H. Shepperd, Shields, Standefer, W. Thompson, Underwood, L. Williams, S. Williams—47.

So the House determined to suspend the rules.

Mr. BEARDSLEY then moved the foregoing resolution; which was agreed to.

BANKS IN THE DISTRICT OF COLUMBIA.

The House resumed the consideration of the petitions presented yesterday by Mr. W. B. SHEPARD, from sundry banks in the District of Columbia, praying an extension of their charters.

A motion having been made to refer the petitions to the Committee on the District of Columbia,

Mr. THOMAS, of Maryland, moved to send them to a select committee, with instructions. Mr. T. modified his proposition as follows:

Resolved, That a select committee be appointed to inquire into the condition of the currency of the District of Columbia, to whom shall be referred all other memorials which may be presented to the present Congress, praying for an extension of the charters of the existing banks in said District of Columbia, or for the establishment of any other bank or banks in their stead, and to examine into the condition of the currency of said District, to inspect the books and to examine into the proceedings of said banks, to ascertain whether their charters have been violated or not, and whether any abuses or malpractices have existed in their management, to send for persons and papers, to examine witnesses on oath, and to appoint a clerk to record their proceedings.

Mr. SHEPARD said that the present question was more a question of propriety and fitness than any thing else. It was for the House of Representatives to say whether they would take this matter from a standing committee, and refer it to a select committee. He said the House could judge of the propriety of doing that as well without argument as with it. It was not for him to say whether the Committee on the District could perform the duty as well as a select committee. To show the entire uselessness of the motion of the gentleman from Maryland, [Mr. THOMAS,] he held in his hand a letter from the president of one of the banks, requesting that the Committee on the District would appoint some of their members to investigate fully the affairs of the banks. It seemed to him that the gentleman could have obtained his object by moving instructions to the Committee on the District. If this was done, he would pledge himself to the House that any queries which the gentlemen would put to him should be put to the banks of the District, and answered; and then it would be for that gentleman to say whether they were answered properly or not. It was a question of propriety for this House to say whether it would take from the Committee on the District of Columbia that business which legitimately belonged to it, and send it to another committee. If the House has no confidence in the Committee on the District, let it say so. He, however, as a member of that committee, was willing to examine the banks of the District as scrupulously as he could.

Mr. THOMAS said that justice to himself made it proper to remind the House of an occurrence in the last Congress connected with this question. There were four banks in the District that stopped specie payments in 1834, two of which are now asking a recharter. In 1835, these banks memorialized this body for the passage of a law to recharter them. It was but justice to the city that we should act understandingly on this matter; that an inquiry should be instituted to ascertain the causes of these failures. But he said that, without objection from him, the memorials of the last session were referred to the Committee on the District; the subject was taken up by that committee, but no investigation was had. He said he then, under a deep sense of duty to his constituents, gave a promise that if this subject was put off to another session of Congress, he would make it his business to examine into the state of these banks. Now, if you send this matter to the Committee on the District, you send it to a committee which has prejudged the question. Under these circumstances, he felt it to be his duty to ask of the House a select committee. He said if it was proper for the House to refer matter in relation to the Territories to a select committee, it was proper, he thought, to refer this matter to a select committee. He said the Chief Magistrate had called the attention of Congress to the question of currency, and he therefore conceived it a very important one, and asked of the House a committee, whose especial duty it should be to make a thorough investigation of the matter.

Mr. BOULDIN said, as a member of the Committee on the District, he did not wish to take upon himself very arduous duties; but he was as willing to take up

and go through with the investigation, as the gentleman. He said the committees were appointed by the Speaker, and he could not see the difference between them. The greatest objection is, that the chairman of the Committee on the District has had this matter before him at the last session. This he thought was a favorable circumstance, because that gentleman must have more knowledge of the business than he otherwise could have. He said that he was ready to go into an investigation without any prepossessions, and was willing to investigate the matter as thoroughly as the gentleman from Maryland or any other gentleman.

Mr. VANDERPOEL said that he, as a member of the District Committee, cherished no pride of jurisdiction, and was therefore willing, for his part, to dispense with the pleasure and honor of making an investigation into the past doings of the banks in the District, which was contemplated by the resolution of the honorable gentleman from Maryland, [Mr. THOMAS.] He did not believe that the proposition of that honorable gentleman was founded in a distrust of the capacity of the District Committee to make the necessary examination, nor upon any apprehension that they felt indisposed to do so. The duties of the District Committee were very onerous, and though willing, as a member of that committee, to perform, to the utmost of his humble ability, every duty that might be imposed upon him, yet, as he could, as he thought, be otherwise more profitably employed in his public capacity, he would for his part rather be excused from the labor of inquiring into the details of the past operations of the District banks. He thought that a select committee could be raised, every way competent to execute this duty; and that the Committee on the District, pressing, important, and multifarious as were the calls upon its attention, could spend its time in the execution of duties in a manner better calculated to subserve the public interest, than would be the duty or task of wading for days and weeks, if not for months, through the books and legers of the banks within the District.

It would be recollected that some of those banks suspended payment and closed their doors, two years ago. Yes, when the tocsin of alarm and distress and panic was sounded from one extreme of the country to the other, it had been insinuated by some that these banks had lent their still small voices to aid that momentous occasion. He (Mr. V.) would not undertake to state, or even insinuate this. The banks may have had most justifiable reasons for suspending specie payments; but, after what had occurred, it was most emphatically proper that a strict scrutiny should be made into the past doings of these institutions, before we gave them any renewed pledge of our confidence. Should the result prove that the banks in this District should have been improvidently rechartered, the constituents of the gentleman from Maryland, from their proximity to these banks, and from their constant business intercourse with the region where they would operate, would be more exposed to loss than the constituents of those gentlemen who resided at a greater distance; and since the gentleman from Maryland, from a sense of duty to his constituents, seems to be anxious to look into the past doings of the banks within this district, he (Mr. V.) thought it but just and reasonable that he should be gratified.

Mr. V. had stated that the District Committee would have a great deal to do. Yes. He was justified in saying so, when he stated that the District was reeling and staggering under a debt, to the subjects of a foreign potentate, of nearly two millions of dollars! And he confidently asserted that that committee would be obliged to put in requisition all its industry, and all its inventive powers, to devise ways and means to save this great nation the degradation of having their Capitol sold to the countrymen of his forefathers. They were, to be sure, the countrymen of his (Mr. V's) ancestors; but still his American feeling was very much disturbed at the idea of being sold out to foreigners. In further proof of the assertion, that the duties of the District Committee were heavy enough to engross all their time and attention, he would state that, a few years ago, a special committee was appointed to revise the laws of the District. They had sat during the recess of Congress, and have reported a code of laws which filled a pretty large volume, and which was not yet acted upon by the House. A few days ago a special committee was raised in relation to that part of the President's message, which relates to the bequest of an English gentleman, made to this District. For these reasons, he would vote to refer this matter to a select committee.

Mr. McKENNAN said he wished to make a few remarks, for the purpose of correcting a mistake into which the gentleman from Maryland had fallen, and into which the gentleman from New York appeared willing to fall also, respecting the course pursued by the Committee on the District of Columbia at the last session of Congress. Mr. McK. had the honor of being a member of that committee, and he had in charge the bills reported by that committee for rechartering certain banks in the District. The gentleman from New York appeared to yield to the charge that that committee had acted precipitately on the subject. To this Mr. McK. did not assent. The charge was not properly founded; there was no precipitancy; and the bill itself would satisfy the House that there was no intention on the part of the committee to recharter these banks without the most searching inquiry into their situation and their conduct. It would be recollected that the charters of the Bank of Washington, the Bank of the Metropolis, the Patriotic Bank, and the Farmers and Mechanics' Bank of Georgetown, expired in March, 1836; and there being no time during the last session to give this subject a full investigation, the committee had reported a bill to recharter those banks for one year only, for the convenience of those cities, and to afford an opportunity to the present Congress to make the most searching investigation. That was all that was done by the Committee on the District, and he begged permission of the House to have that bill read by the Clerk, in order that this matter might be set right. [The bill in question was then read from the Clerk's table.]

As to whether this subject should go to the Committee on the District of Columbia or to a select committee, if the members of the former were willing to yield, Mr. McK. had no objection. He believed it, however, a legitimate subject of examination for the former committee; and unless the members of that committee, like the gentleman from New York, yielded, he should feel himself bound to vote that the subject should have that reference, and none other.

Mr. W. B. SHEPARD begged the indulgence of the House to make a few remarks in reply. The gentleman from Maryland said that Mr. S. had prejudged this question. Now, he was at a loss to know how he had prejudged this question. As a member of the Committee on the District of Columbia, during the last session, he could not have prejudged the question, because nobody asked them to make these investigations. How, then, could he prejudge the question, when he had neither made, nor been asked to make, any investigation? Why did not the gentleman himself, as vigilant as he seemed to be, submit instructions to that committee then? Mr. S. really thought that the gentleman was laboring under a serious mistake in making that charge upon him. Certainly, Mr. S. did not pretend to the skill in banking the gentleman himself avowedly did; for the gentleman had had opportunities which had fallen to the lot of few members on that floor. Mr. S. remembered very well

the gentleman was a member of two committees on the subject of banking, and then saw and examined the "great monster" himself; and he also remembered that one of those committees reported to that House a very voluminous document; and he had no sort of doubt that, if the members of the House had thought proper to read that very voluminous document, they would have been very much enlightened on the subject of banking. He should be sorry to obscure the slightest ray the gentleman shed upon the subject.

Mr. S. said, for himself, he had no interest in the question, nor did he care one farthing about it in any point of view; but so long as he was a member of the Committee on the District of Columbia, he would assert upon that floor what he believed to be the rights and privileges of that District, and the rights and privileges of the Committee on that District. It was for the House to say whether that committee was as fit, had as much time, as much knowledge, and as much interest in the welfare and prosperity of the District, as the gentleman from Maryland. Mr. S. could not pretend to as much interest, perhaps, as the gentleman from Maryland, in one point of view. The gentleman tells us that he had a peculiar interest in the question, because the people of his district came down to the District of Columbia to trade, and the money of the District circulated among them. Why, the people of the gentleman's district, when they came down there, sometimes staid at the taverns, and, for the same reason, the House ought to raise a select committee, and put the dram shops under its charge; for it was as much a matter of interest to them. Why not put every matter that touched the gentleman's district under his special charge? However, Mr. S. would only remark that it was a mere matter of fitness and propriety, of which the House was the judge, and which needed no argument from him.

Mr. LANE was a member of the Committee on the District of Columbia, and he believed no person would charge him with any particular partiality for these banks, or any other banks in the United States. He must, however, object to the reasons assigned by the gentleman from Maryland [Mr. Thomas] for taking the subject from the committee to which it legitimately belonged, and sending it to a select committee. The gentleman might disguise his sentiments as he pleased, but it was evident that he had not only reflected, but had made a direct imputation upon the District Committee.

The gentleman had charged the committee with having prejudged the question. He was mistaken. There were five new members upon this committee, and he could assure him that, so far as he was concerned, he was in favor of a speedy and critical investigation into the affairs of these institutions. It had been contended that the Committee on the District was not the legitimate one, because the subject was one of general concern. These banks were local, and the people of the District were more interested in them than those who resided at a distance.

But the gentleman had asked, if this subject was sent to the District Committee, when would the investigation take place, and when would it close? He would answer, as soon and as speedily as the untiring industry of the committee would permit. Could more be expected of a select committee? The gentleman from Maryland was a member of four important committees, while the members of the Committee on the District were on no other committee. The gentleman must therefore have four times the ability and four times the industry of himself and associates, if he could perform this duty more promptly.

It had further been charged, that the committee, although it had been in existence for several weeks, had not taken up this subject. Mr. L. remarked, that it had not been referred to them, exeept informally; that the committee had met but twice; and when it should be ascertained that they had neglected their duty, it would be time enough to charge them with a direct omission to do so.

The gentleman had referred to the opportunities which he had to investigate banking institutions, and had urged an objection to the District Committee, because some of its members resided at a distance. If this argument was good, the gentleman might draw under his immediate charge almost every other question which should be presented for consideration.

Reference had been made to the fact that the Michigan question had the other day been sent to the Judicial Committee, instead of the Committee on the Territories.

The reason of this was obvious. Legal questions were involved, and that committee was composed of able lawyers, who were more competent to investigate it. The gentleman from Maryland was a member of the Judiciary Committee. Did the gentleman draw an inference from the case, that because his honorable self, and those who might be associated with him upon the select committee, were more competent, that therefore his motion ought to prevail? For one, if the subject should be referred to the Committee on the District, he should be disposed to spare neither time nor labor to discharge his duty with fidelity.

Mr. L. alluded to the remarks which had been made in reference to the course and the solvency of the banks in the District. He was opposed to prejudging the institutions, and in favor of the strictest scrutiny into their operations. If they had acted improperly, let it be ascertained before they were condemned. He, for one, would not attempt to screen them, nor to sanction any abuse which might be fixed upon them.

Mr. BOULDIN again addressed the House, in reply to the last remarks of the gentleman from Maryland. In conclusion, he moved to amend the motion of the gentleman from North Carolina, [Mr. W. B. Shepard,] by adding the following instructions to the Committee on the District of Columbia, to wit:

To examine into the condition of the currency of the said District; to inspect the books, and to examine into the proceedings of said banks; to ascertain whether their charters have been violated or not, and whether any abuses or malpractices have existed in their management; to send for persons and papers, to examine witnesses on oath, and to appoint a clerk to record their proceedings.

Mr. MERCER said that it was the duty of the Speaker of the House to appoint the committees, and to distribute the business of the House among the members as equally as possible; and, for that reason, he rose to call the attention of the House to this fact, that if the business was taken from one committee and transferred to another, the labors of the House would be unequally divided; and if you continued to pursue that course you would take from the District Committee all its duties. It was in vain for the gentleman from Virginia to say that he had no feeling in this matter. He had supposed the whole country felt an interest in it. The people in his district felt an interest in this question, and he would say that he felt the fullest confidence in the Committee on the District, and would be pleased to have the matter referred to that committee. He said that the failure of certain banks in the District was an unfortunate occurrence, and ought not to be reflected upon by the gentleman from Maryland.

Mr. MANN said he had but a word to say on the subject. It should be remembered that the Committee on the District had all the legislation of this body, in relation to the District, in their own hands; and certainly that committee had as much business as they could

attend to, independently of the matter under consideration. It therefore seemed to him to be proper that this proposition should be sent to a special committee. It was highly important that an investigation should be made, and thoroughly made. It was important to the people of the District that this investigation should be made, and he therefore hoped that it would be sent to a select committee, and let it be the special duty of that committee to investigate this matter.

Mr. LANE said he would inform the gentleman from New York, [Mr. MANN,] and the House, that the committee, so far from having more business than they were able to perform, had met again and again without having any business before them, and they would be obliged to gentlemen if they would give them something to occupy them. The Committee on the District has as much zeal, and as much disposition to investigate into the affairs of the banks, as the gentleman from Maryland [Mr. THOMAS] had, but that gentleman seemed to want the whole management of the currency of the District himself. Perhaps he is afraid the currency of the District would overwhelm and supersede that of Maryland.

Mr. THOMAS said that gentlemen misunderstood him. He did not wish to reflect upon any committee, or any member of the House. He said his constituents were more interested in this matter than those of many gentlemen; therefore, they wished it investigated. They wished to have a sound currency in a District with which they were so closely connected.

Mr. LANE read the following rule:

RULE 62. It shall be the duty of the Committee for the District of Columbia to take into consideration all such petitions, matters, or things, touching the said District, as shall be presented, or shall come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.

Mr. BEARDSLEY said he was very happy indeed to perceive, and he could not forego the opportunity of congratulating the House and the country upon it, that there appeared now to be a universal and concurrent sentiment on the propriety of making the examination contemplated by one or the other committee of the House. As those banks came there to ask favors at the hands of that House, and as the character of the House, and the interest of the country at large, were deeply embarked in the applications made by these banks, it was only fit and proper towards the House itself, and towards the country at large, that they should know, and that the country should know, the condition and circumstances and past conduct of these petitioners. Every body there seemed now to agree to the correctness of that proposition. He recollected the time when another institution, when another bank, came there for a similar purpose, to seek for an extention of its charter; and when one class of personages in that House thought proper to propose that an investigation should be had into the circumstances and condition of that institution; then he well recollected that the unanimity of sentiment, now prevailing in the minds of members of that House, if they might infer that sentiment from what had passed in the present debate, was all discord. Then the battle was continued upon the policy, and propriety, and justice, of making a similar examination. It was ultimately carried that investigation should be had; and the results of that, and a subsequent investigation, so far as there was any subsequent investigation, were before the country. Now, however, all doubts and difficulties upon the propriety of examination are dissipated, and it was admitted on all sides that there should be a thorough investigation into the condition and circumstances of all these institutions, before the House should act on an application for the renewal of their charters.

The inquiry now was, by what organ the House should make the proposed examination. By many gentlemen it was supposed that this matter was one of especial reference to the Committee on the District of Columbia, and the rule of the House had been read for the purpose of showing that that would ordinarily be the course. But the 62d rule, as it appeared to him, even if construed in the strictest manner, or in the most liberal manner, could not not be supposed to embrace subjects of this character. The rule said it should be the duty of that committee "to take into consideration all petitions, matters, or things, touching the said District," &c. This referred to matters and things that *per se* related wholly to the District, and to nothing out of it, and were within the range of its ordinary affairs. But was this petition from the District, or relating to the District as a District? In no sense whatever. It was a petition, it was true, for the recharter of certain banks within the District, but in no sense concerned the rights of the citizens at large; for the citizens of the District and adjacent country, and the whole community, were equally interested in the subject. It was not a petition of the District, within the words or the spirit of the rule; subjects of daily occurrence which sprung up, touching matters in which the District alone was concerned, were properly referrible to this committee, within the spirit and words of the rule. This, he repeated, was not a matter affecting the District, in any sense whatever, for it affected the citizens there in common with those of the country adjacent, and was not referrible, necessarily referrible, to its committee.

But even if it was within the terms of the rule, it would not be within its fair spirit or intent; for the rule was intended only for ordinary cases of daily or annual occurrence, not for extraordinary occurrences, such as the location of a bank, or the renewal of a bank charter already located, within the limits of the District.

Mr. B. would make another suggestion. Many gentlemen thought it was inexpedient to establish in this place a large bank, wielding millions and millions of capital, with power to diffuse its branches throughout the Union, with or without the concurrence of the States in which they might be located. Let them suppose a petition to come there with that object, would it be referrible to the Committee on the District? Would it not with more propriety be a fit subject for the Committee of Ways and Means? Yet it would be located in the District; and, upon the idea that the Committee on the District of Columbia was to grasp every thing within that location, such an application must of consequence go to that committee. Would not such an application, within the fair spirit of the rule, and pursuant to the course heretofore pursued, go to the Committee of Ways and Means, or perhaps to a select committee? Why, if the Committee on the District of Columbia were to take charge of every thing located within the District, the House would have to abolish the Committee on Public Buildings. It would seem to him, therefore, that this subject did not belong to the former committee, and that it should be sent to some other standing committee of the House, or to a select committee.

Mr. B. did not design to cast the slightest reflection upon the Committee on the District. He had no doubt that if the duty devolved upon them it would be most promptly, ably, and impartially executed, yet the duties they had already to perform were such as to take up much of the time that should be devoted to an investigation of this subject. Mr. B. then referred to precedents on similar subjects, and the committees appointed by the House on the Bank of the United States in 1819, and the session 1832-'3; and, after some further remarks, concluded by stating that he should vote in favor of Mr. THOMAS's motion, in which he trusted he should be sustained by the House.

Mr. EVERETT rose to correct the gentleman from New York in a matter of fact. The gentleman congratulated the House at discovering so great a unanimity in the House on the subject of investigating these banks; and, referring to the proceedings of the House on the subject of the Bank of the United States, seemed to think there was nothing like unanimity on that occasion. The gentleman was mistaken; for so great was the unanimity on the occasion referred to, that the yeas and nays were not even called for, and not a particle of dissent was heard when the motion was put from the Chair. In reference to the motion then before the House, Mr. E. said he should vote to refer it to the Committee on the District of Columbia; for he thought the remarks made by the gentleman from Maryland himself had disqualified him from acting on any committee which might have this subject under its investigation.

Mr. SHEPARD accepted the amendment offered by Mr. BOULDIN, as a modification of his motion.

The question was then taken on the motion to refer the petitions to the Committee on the District of Columbia, with instructions.

Mr. MANN, of New York, asked for the yeas and nays, which were ordered, and were:

YEAS—Messrs. John Q. Adams, Chilton Allan, Heman Allen, Bailey, Bell, Bond, Bouldin, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, George Chambers, John Chambers, Childs, Claiborne, Clark, Coffee, Corwin, Crane, Cushing, Darlington, Deberry, Denny, Dickerson, Evans, Everett, Forester, Rice Garland, Glascock, Graham, Granger, Graves, Grayson, Grennell, Griffin, Hiland Hall, Hammond, Hard, Hardin, Harlan, Hazeltine, Hiester, Hoar, Howell, Wm. Jackson, Janes, Richard M. Johnson, Lane, Laporte, Lawler, Lawrence, Luke Lea, Lincoln, Love, Lyon, Samson Mason, Maury, McKennan, Mercer, Morris, Parker, James A. Pearce, Pettigrew, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, Rogers, Russell, Schenck, William B. Shepard, Augustine H. Shepperd, Sloane, Spangler, Standefer, Steele, Storer, Taliaferro, Underwood, Vinton, Washington, Whittlesey, Lewis Williams, Sherrod Williams, Wise—88.

NAYS—Messrs. Barton, Beale, Bean, Beardsley, Beaumont, Bockee, Boon, Borden, Bovee, Boyd, Brown, Buchanan, Bynum, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Cleveland, Coles, Connor, Craig, Cramer, Cushman, Davis, Doubleday, Dromgoole, Efner, Fairfield, Farlin, Fowler, French, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Haley, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lansing, Joshua Lee, Thomas Lee, Leonard, Loyall, Lucas, Abijah Mann, Job Mann, Martin, John Y. Mason, William Mason, May, McCarty, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Ripley, Roane, Seymour, Shields, Smith, Sprague, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks—113.

So the motion to refer the petitions to the Committee on the District was negatived.

The question then recurred upon the motion of Mr. THOMAS to refer the petitions to a select committee, with instructions.

Mr. THOMAS, by unanimous consent, withdrew the call for the yeas and nays on his motion, inasmuch as the House had, by the vote just taken, indicated a decided opinion on it.

Mr. ADAMS moved to strike out that part of the instructions which provided that the committee should act in conjunction with any similar committee which might be appointed by the Senate.

Mr. THOMAS accepted the amendment, as a modification of his motion.

Mr. BOULDIN moved to amend the motion, by striking out so much as provided that all future memorials on this or similar objects be referred to the same committee. If this part of the motion of the gentleman from Maryland should prevail, it would preclude the possibility of a report during the present session, before which time not only the charters of these banks, but also that of the Bank of the United States, would expire, which would leave the District entirely without a banking institution. Under this state of the case, he was persuaded that the gentleman from Maryland would accede to the amendment he had proposed.

Before the question was taken on the amendment,

Mr. WILLIAMS, of North Carolina, moved an adjournment; which was carried; when

The House adjourned.

THURSDAY, DECEMBER 31.

Messrs. CLAIBORNE and DICKSON, Representatives from the State of Mississippi, appeared, were qualified, and took their seats.

Mr. WARDWELL moved to suspend the rule, in order to enable him to offer a resolution prohibiting, in future, the use of the hall of Representatives on the sabbath as a place of public worship; and the motion was rejected.

DISTRICT BANKS.

The House resumed the consideration of the resolution offered by Mr. THOMAS, of Maryland:

Resolved, That a select committee be appointed to inquire into the condition of the currency of the District of Columbia, to whom shall be referred all other memorials which may be presented to the present Congress, praying for an extension of the charters of the existing banks in said District of Columbia, or for the establishment of any other bank or banks in their stead; and to examine into the condition of the currency of said District; to inspect the books and to examine into the proceedings of said banks, to ascertain whether their charters have been violated or not, and whether any abuses or malpractices have existed in their management; to send for persons and papers, to examine witnesses on oath, and to appoint a clerk to record their proceedings.

Mr. BOULDIN said that, on looking carefully over the instructions moved by the gentleman from Maryland, [Mr. THOMAS,] it did not appear to follow necessarily that all memorials and petitions should be presented to the committee before their final action on the subject. Although it did appear, from the general context, that all memorials and petitions should be laid before the committee before their final action; and although there might be, and probably was, a propriety in the committee having every thing before them in relation to the subject, still it did not necessarily follow that the committee should make no report until the whole time had expired during which they had the right to receive them. Believing the committee would report as soon as possible, and that all the memorials, petitions, and views, in regard to this matter, would be laid before them as soon as possible, he would withdraw his motion to strike out. He did not wish to throw any obstacle in the way of immediate and efficient action upon this subject.

Mr. GARLAND, of Louisiana, desired to be informed whether the House had the power, under the charters of

these banks, to make the proposed investigation? His vote would depend on the answer which might be given to this inquiry.

Mr. THOMAS said that the banks of the District were applying to Congress for an extension of their charters, and it was not to be expected that they could obtain their object unless they submitted to a reasonable examination. On the other hand, if the committee transcend their powers, the directors of the banks, knowing their rights, would not submit to it. From the fact that these corporations are asking privileges, they would not restrain the committee in any reasonable examination, and the House itself has the power to adjudicate between the committee and the banks.

Mr. McKENNAN offered the following amendment, as an additional instruction to the committee:

And that the said committee be instructed to report to this House the names and persons, dates and amounts of all loans made by the District banks to members of Congress or other officers of the Government, since the 1st day of October, 1833.

Mr. McKENNAN said, in offering the amendment, it was not his intention to detain the House with any detailed reasons in its support. Its object was plain on the face of it. It would be recollected that, in the investigation which was made some years since into the affairs of the Bank of the United States, such an inquiry as he now proposed by his amendment was made, and, as the result of that inquiry, the names of many distinguished men were held up to the scorn of the public as being under the corrupt influence of the bank. His object was to have the inquiry as broad, as thorough, and searching, as it was on the former occasion; and he would content himself with submitting it to the decision of the House, merely asking the favor to grant him the ayes and noes on the question.

Mr. CAMBRELENG asked the gentleman from Pennsylvania to withdraw his call for the yeas and nays, as no one, he presumed, would oppose the proposition.

Mr. THOMAS, of Maryland, entertained, he said, a somewhat different view of the proposition, and could not support it, unless it was so modified as to give the committee discretionary power to report the names or not. This was what was done in the case of the Bank of the United States. The committee were furnished by the president of the bank with a list of the members who had had transactions with the institution; but that list never saw the light. It was not made a part of the report of the committee.

For one, he was unwilling to consent to that investigation, for the reason that there was no law prohibiting a member of Congress from borrowing of the United States Bank. Unless there was good reason to suspect some illegality or impropriety in private transactions, he was unwilling to give them publicity. He was willing that the gross amount loaned by the deposite bank to members and other public functionaries should be stated, and that individual transactions should be reported, in cases marked by any impropriety. He would ask the gentleman to modify his motion so as to give the committee discretionary power to disclose private transactions, where there was any ground for a disclosure. He knew no instance of any transaction of the kind, nor had he the slightest apprehension that any had taken place which could, in the slightest degree, impeach the conduct of any member on this floor, or of any officer of the Government. Should any such case be discovered, however, the individual concerned, whether friend or foe, would meet with no protection from him. He was only desirous that the instruction should not impose on the committee the necessity of making public private transactions of a nature with which the public had no concern.

Mr. BEARDSLEY asked the reading of the amendment, and, after it was read, remarked that he cared very little whether it was adopted or not. He did not think it of any sort of moment whether they ascertained the names of all the public officers of the Government, or of all the members of Congress, who might have borrowed money of one or other of the banks of the District, since one of the local banks became the depository of the public money. Let those who were interested in the inquiry take the consequences, if any should follow.

Mr. B. rose principally, he said, to notice something that fell from the honorable gentleman from Maryland, about an examination that took place, of a similar character to the present, in relation to the debtors of the Bank of the United States. He understood that gentleman to say that a list of members of Congress, indebted to the Bank of the United States and its branches, had been furnished by the officers of that institution to the committee of investigation in 1832, and that that list had not, from that time to this, seen the light. Now, Mr. B. himself recollected to have seen that list during the session of 1832, and he was very glad to learn on the present occasion, in a public way, from one of the committee, as he heard it before stated by common report at that time, that the list possessed by the committee had been furnished by the officers of that institution; for he could state one fact within his own knowledge, touching the accuracy, or the gross inaccuracy, rather, of that statement. That list set forth, among other things, that a particular individual, then a member of Congress, who never borrowed a farthing of the bank or its branches in his life, was indebted to it in the sum of three, four, five, or six thousand dollars. That statement, so far as that individual was concerned, was in no sense true, and never was true, and those who furnished that list must have known it was not true at the time they furnished it. The list called for was of those who were indebted to the bank. The individual referred to, it was true, had endorsed for other persons, who were his friends, and who were themselves indebted to the bank, but the paper was never protested, and yet he was held up by the officers of that institution as an original debtor to the bank, and as one who had taken and used its money. The object must have been, as the effect would have been if the list had been published, to induce the public to believe that that individual was under the same obligations as others were. He could well imagine that those who furnished that list were utterly ashamed that it should have shown its face, for the statement referred to he knew to be untrue, both in spirit and in fact. It was very well it did not see the light, for he believed it was full of misrepresentations in other respects also.

With regard to the present inquiry, Mr. B. said, limited as it was, he did not see that it imposed a very burdensome duty upon the committee that should be appointed to make the investigation; nor did he know that it would be doing injustice to members of Congress, if such there were, who might have borrowed money of the local banks in that District, nor to officers of the Government, if they should have done so, as they might have done, for aught he knew. He hoped, therefore, that the gentleman from Maryland would assent to the proposition, and agree that the examination might be made.

Mr. THOMAS said, in reply to the gentleman from New York, [Mr. BEARDSLEY,] that he rose simply to ask the gentleman from Pennsylvania to modify his amendment so as to make it conform to the instructions to the committee in 1832. He was not to be understood as opposing the amendment. He merely rose to ask the gentleman to modify it.

Mr. W. B. SHEPARD said he was very sorry that the other associates of the gentleman from Maryland on the committee which investigated the concerns of the Bank of the United States in 1332 were not here to repel the charge brought against the institution by the gentleman from New York, [Mr. BEARDSLEY.] It was extremely to be regretted that a grave charge of falsehood against so respectable an institution as the Bank of the United States should pass without notice, if the individual making it was himself worthy of any notice. He regretted that the subject could not undergo an investigation at once, in order that it might be seen upon whom would rest the charge of falsehood. He did not know all the officers of the Bank of the United States, but he knew them well enough to know that they were quite as incapable of falsehood as the gentleman from New York, and he believed them to be as pure as any member of this House. Yes, said Mr. S., as pure as any body of men in the world. He hoped the resolution of the gentleman from Pennsylvania would be adopted, in the exact words in which it was offered. He did not think it discreditable to borrow money of banks, and there was no reason why borrowers should be ashamed to let their names go before the public. He felt no shame when his name was published in his district as a borrower from the bank. He did borrow, and give ample secuity for the loan, and repaid the loan. He saw no reason why any transaction of the sort should be kept secret, and he was in favor of publishing the amount of the loans, and the names of those to whom they were made.

Mr. BEARDSLEY said he should not say that there were not gentlemen engaged in conducting the affairs of the Bank of the United States, as pure as any gentleman in that House, or elsewhere. Upon that he formed no opinion. He spoke of a particular transaction. They were now informed, by a gentleman who had the means of knowing, that a list of members stated to be debtors to the bank had been furnished by the bank, or rather by the officers of that institution; and Mr. B. having seen that list, and knowing one of its statements to be untrue, he was willing to state a fact to the House that was within his own knowledge. He did not say that being indebted to the Bank of the United States was disreputable; and if the individual referred to had been indebted to the bank, Mr. B. had no doubt he would have been as willing that the House and the country should know it as was the gentleman from North Carolina.

Mr. J. Q. ADAMS wished the gentleman from New York [Mr. BEARDSLEY] to inform him where, when, and by whom, the document which the gentleman from Maryland [Mr. THOMAS] had stated had not been reported by the committee of 1832 to the House, had been communicated to the gentleman from New York, [Mr. BEARDSLEY,] and what evidence he had that the document communicated to him was the same which the committee had withheld from the House.

Mr. BEARDSLEY was just as ready to answer that question as any thing else. The paper in question was shown to Mr. B. in that hall, by one who, he believed, was a member of the committee, although he was not able to recollect the gentleman's name. Mr. B. saw the entry; the paper was represented to him as the original paper furnished by the bank, and, for that reason, he believed it to be a genuine paper.

Mr. McKENNAN said that the fact stated by the gentleman from New York, that a list of the debtors to the Bank of the United States was in the possession of the committee of investigation, and submitted to him and his friends for inspection, furnished the best reason for his declining to accede to the proposition of the gentleman from Maryland so to modify his amendment as to leave it discretionary with the committee to report such names and cases as they should think proper. He wanted no secret lists, to which the gentleman from New York and his friends might have access, and from which selections might be made, so as to hold up to the public the names of particular individuals, as under the corrupt influence of any of the banks. Nor did he wish to put it in the power of the committee to be appointed to select the persons and transactions which they would report to the House. All the evidence they take, all the information they receive, ought to be submitted to the House, which is to judge of the propriety or impropriety of the management of the institutions whose affairs are to be investigated. He had no doubt the committee to be appointed by the Chair would do its duty; but he did not wish it placed in such a situation as to be exposed even to the charge of partiality. He therefore wished in this matter to give them no discretion. He wished a deep, thorough investigation to be made, and the result of that investigation reported to the House, so that each and every member could have an opportunity of seeing it, and drawing his own inference from the facts disclosed.

Mr. J. Q. ADAMS rose and said: Mr. Speaker, I shall be under the necessity of voting against the amendment of the gentleman from Pennsylvania, [Mr. McKENNAN,] and against the instructions proposed by the gentleman from Maryland, [Mr. THOMAS;] and that upon grounds which I have assumed, from the time that this examination into the affairs of banks was first brought before this House.

At the first session of the twenty-second Congress, sir, when the first investigation into the affairs of the United States Bank was determined upon by the House of Representatives, and a committee was appointed for that purpose, I distinctly took the ground that no examination into the private accounts of individuals with the bank was a proper subject of investigation; and, after a considerable debate, which lasted for several days, such was the determination of the House at that time, and the powers of the committee of investigation were, by the resolution which authorized that investigation, so limited and confined. I, sir, had the honor of being a member of that committee; and, upon their arrival in Philadelphia, upon their commencing the duties of their office, among the propositions and demands made by the committee was one to this effect: a list of the debtors of the United States Bank, being members of Congress. Sir, I resisted and opposed the motion in the committee: I opposed it to the utmost extent of my power. I contended that it was not in the authority given to the committee by the House; that it had not been the intention of the House that such power should be exercised by that committee. The majority of the committee, however, determined otherwise. The question was put. And at that time, sir, precisely the same ground was taken as is now taken—that it was not with the intention of exposing the private transactions of members of Congress with the bank—that it was not for the purpose of being able to point at this man, and say, "there is a man who has been bought by the bank," and at the same time to suppress the name of another man who was equally liable to that objection; but that it was a discretionary power, to be exercised by the committee for the public interest, in order that they might determine whether it would be a proper thing for them to report to this House or not. Sir, the question was put to the officers of the bank to furnish such a list. At that time, and to that committee, the president and directors of the United States Bank unfolded every thing; they did it voluntarily; and if I am not mistaken, it was accompanied, at the same time, by a notice, from the president of the institution, that the bank did not wish to exercise any reserved power of withholding evidence which the

president and directors might be justified in denying, but that they were desirous to lay open every thing to the view of the committee. Nothing that was asked was denied; and, in consequence of that request, a long list of members of Congress, and of officers of the Government, was furnished; and letters from persons high in office, soliciting loans for a long period of time, for a series of years, was exhibited to the committee. Sir, it was a two-edged sword, for it cut on both sides; and when the committee got it, they determined to keep it to themselves. They did this against my opinion; for I was as strenuous and as earnest to have that paper reported here, as I had been against calling for it from the bank. And it may be within the memory of a portion of the members of this House, that, in a report which I separately made upon this subject, I brought before the House, upon my own authority, a list of the members of Congress who had received favors from the bank. Sir, this also was a two-edged sword, which cut both ways; for it cut in such a way that I did not know whether I should be suffered to remain a member of this House for having presented it. This is in the memory of members of this House, who were also members of that. Let us, then, have no discretionary powers. If the committee must grope into secret transactions, in order that they may point at A, B, and C, and keep back the names of D, E, and F, I, at least, am opposed to such a state of facts. I say, fair play is a jewel; let us have both sides of the question. And still more do I desire that these things may be done in a fair and open manner, so that four or five years hence no base accusations against the United States Bank may be made of false returns, when they have not the means to prove that the returns were not false; that no separate, and private, and secret communications of documents before the committee, true or false, may be produced against the president and directors of the United States Bank, when they have not the means to defend themselves against it.

Now, sir, I say that, upon the opinion I have uniformly entertained, I cannot vote for the amendment of the member from Pennsylvania. I do not wish to know what notes, bonds, or obligations, whether as principals or endorsers, gentlemen around me, all of whom I esteem as men of honor, have with these banks. I say this: that in the list which was presented to the committee before, of all the transactions which were exhibited of members of Congress, as well as of officers of the Government, there was no transaction whatever which, in my opinion, could affect the character of any one man upon either side of the House, in any disadvantageous way. There was nothing dishonorable; nothing which any man implicated need to have been ashamed of. But there were things in relation to members of this House which probably might have been pointed out to their constituents at the next election, and made the instruments of party zeal or personal malignity, to injure them. There might have been things of that sort then, and there may be now. I know not whether there were or not; for, as to myself, having heretofore taken a deep interest in the proceedings of the House in relation to banks, and particularly of the Bank of the United States, and standing here, as I have stood before, to vindicate the honor of those absent high and honorable men, the officers of that institution, from slander, I think it necessary to say, that never, since I have had a seat in this House, have I, in any sense, had a personal interest of any kind in that bank, either as a stockholder or a debtor.

Upon these grounds, sir, I shall, as I have stated, although reluctantly, vote against the proposition of my friend from Pennsylvania, and I shall vote also against the instructions proposed by the member from Maryland, because I conceive those instructions to be far too extensive—far more than this House of honorable men ought to authorize any committee to inquire into. And I shall give this vote the more readily, sir, because the member from New York yesterday congratulated the House that now gentlemen were more ready to go into an inquiry, and that in former times there had been a great struggle against the inquiry. Sir, I struggle now for what I have always struggled. I cannot consent to any examination which shall go into the private affairs of others who are not present to defend themselves. I cannot consent to justify any thing which bears the appearance of doubt in relation to any transactions of private individuals with banks. I have the same objection now which I always had, and I have another objection to the instructions of the gentleman from Maryland. They propose to refer not only the memorial now before the House, but all possible memorials that can come here praying for the recharter of the present banks, or for the charter of any new banks in the District of Columbia, during the whole session of Congress, to the same select committee. To refer papers to come hereafter! It is contrary to all the rules of the House to make them a standing committee for every thing, to prejudge a question which has not yet been even presented. Who knows but that to-morrow a memorial may come here for the establishment of a new bank in the District of Columbia, not connected with any one of the present banks? Well, by these instructions, you will refer the memorial beforehand, because here are certain gentlemen appointed to keep watch over it. Not that I distrust those who may be appointed the committee, for I believe that they will be all honorable men, but this resolution proposes that the House shall intrust all memorials to this committee for six months to come. Sir, I believe that this is an unexampled trust; I do not know any instance of it that has ever happened. But the original proposition went further, and authorized the committee of the House to enter into private consultation with any committee of the Senate which might be appointed for making a similar investigation; not a joint committee, such as is usually appointed; but it authorized this private committee of discretion to enter into private consultation with any committee of the Senate which might be appointed for a similar purpose—a proceeding utterly repugnant to every rule and principle of intercourse between the two Houses. I do not know but that we might as well add that every memorial, public or private, which shall be presented here for the next six months—from now to the end of the session—shall be confided to this committee, with discretion to do just what they please with it.

It appears to me, sir, that these instructions transcend all the powers usually given to committees. For myself, I am not willing that any such committee should be appointed.

Mr. CAMBRELENG said, having differed in his views on this question, in 1832, from the gentleman from Massachusetts, he would state his reasons for it. Some gentlemen on this floor brought strong allegations against the Bank of the United States, and, so far from resisting an investigation of those charges, the friends of the institution owed it to themselves and it to afford every opportunity to probe them to the bottom. When the committee was organized and met, the president of the bank took a course precisely opposite to that taken by the friends of the institution on this floor, and challenged the most rigid scrutiny. The rule adopted on that occasion by the committee was one which, he hoped, would govern this and every similar committee. It was this: that no private transaction, unless it was supposed to be of a corrupt nature, should be dragged before the public. This rule applied to the transactions

of merchants and bankers as well as to members of Congress, &c. He hoped the House would see the propriety of this course. There was no question as to the correctness of the course taken on the occasion which he referred to by the president of the Bank of the United States. He tendered unreserved communications, and they were made in such a shape as was desired by the committee. He did not believe that the president had any design, in making them, to impose any misstatement on the committee. The papers presented were merely transcripts from the books of the bank, made by the clerks. He did not think any charge could be made against the officers of the institution, in relation to the paper alluded to. The committee thought it unnecessary to lay it before the House or give it any publicity, for the reason that it related to private transactions of an unimportant character. As to the amendment now offered, he would prefer that it should be so modified as to leave it discretionary with the committee to report private transactions or not; but he should vote for the proposition in any shape in which it might be offered, believing, as he did, that it was improper in any public functionary to deal with banks and receive favors from them.

Mr. BEARDSLEY said he agreed perfectly with the honorable gentleman from Massachusetts, in reprobating every thing like slander, in whatever form it might be presented; and it was because he reprobated slander so much as he did, that he thought the occasion that offered that morning warranted him, nay, more, required of him, that he should make the explanation he did. The charge, as it appeared on the paper Mr. B. saw, was calculated, if he might judge from the face of the paper, to produce an impression that the individual referred to had borrowed the sum of four, five, or six thousand dollars, or whatever the amount was, of the Bank of the United States, immediately before the time the investigation took place, or within some few months of it. He was not indicted as an endorser, but as one directly indebted to the bank. Now, knowing that to be utterly untrue, and knowing it on its face calculated to produce a slanderous impression, Mr. B. had thought, and still thought, it his duty to expose it. He was, he said, against all slanders, whether they came from the Bank of the United States, or from any other quarter, and was as ready to denounce them as the gentleman himself.

There was one remark of the gentleman to which Mr. B. would particularly recur. He understood the gentleman to say that this was either a base charge in its nature, on account of transactions to which Mr. B. had pointed, or else that it was base to make the charge. If the gentleman desired to be understood in the former sense, Mr. B. agreed with him, and was willing to let it be judged by the public. He had not, and should not characterize more strongly than the gentleman himself had done. But if the gentleman meant that it was base for a man, who was himself slandered, to expose the charge, Mr. B. would tell the gentleman that it did not comport with what he considered a proper self-respect. He held it right to speak out in such cases, in all places, in public and before the world, fall where it might. Mr. B. did not say who was guilty. The gentleman from Maryland had said the information was furnished by the bank, and Mr. B. said the statement was untrue. Surely it was not base to state the fact! The original fabrication might be base, but the exposure of it could not be so held. He would forbear to say any more on the subject. He had said thus much, because he deemed it due to the occasion and to himself.

With regard to the views entertained by the committee of investigation at that time, Mr. B. had no concern about it. He was not on the committee, and he cared little whether the inquiry was published or withheld. If some members of the committee thought the inquiry proper, and others reprobated it as improper, they might adjust the matter as they pleased. And if, after obtaining the information, they choose to suppress it, he was equally as indifferent as he was to the subject of inquiry itself. But if the honorable member meant to have it understood that this paper was exhibited to Mr. B. in a secret and clandestine way, or that it was shown to him only, and not to others, the gentleman was mistaken. It came to Mr. B. in no such light, and in no such manner. He supposed at the time it was to have been published entire, though he cared not whether it was or not; and he never dreamed that this statement was omitted, until some time afterwards, on looking into the report, he found it had been left out. What became of it he knew not, nor ever heard till to-day; or, if he did, it escaped his memory. He was not able to say from recollection whether the minority report of the honorable member from Massachusetts named all the members of Congress or not, or whether the individual he referred to was named in it.

Mr. ADAMS briefly explained. He had referred to the names of all who had received favors from the bank, by having their payments as members made before the appropriation was made for it.

Mr. BEARDSLEY said he had misapprehended the remark of the gentleman, but was satisfied by the explanation. The honorable gentleman and himself seemed to entertain the same opinion of the real character of the transaction which he had referred to; they differed only upon the propriety of speaking of it. Gentlemen might suppose it base and slanderous to speak of it, because it pointed to the president and directors of a large moneyed institution; and such seemed to be the view of the honorable member from Massachusetts. Mr. B. thought the transaction not the less reprehensible on that score. If those who conducted the affairs of the bank, as was now ascertained from two or three members of the committee, did furnish information he knew to be untrue, he held that he was at all times at perfect liberty to expose it before the world, and should always feel it his duty to do so, be the parties who they might.

Mr. HOWARD called for the reading of the amendment, and said that his object was to inquire from the mover whether he intended the period in the latter clause to be the time when public money was first deposited in any District bank, or the time when the change took place over the country. He remembered a document in which it was stated that the public money had always been deposited in one or more of the District banks. If that were the time to which the inquiry was proposed to be extended, he had no objection; but if it were intended to limit the investigation to the last two years, he would sooner that the limitation should be stricken out. It might be that the gentleman from Pennsylvania intended to show that these loans to officers of the Government and the members of Congress were useful to the public, and necessary, in consequence of the great delay in passing the annual appropriation bills, whereby it was sometimes absolutely necessary to anticipate salaries. Mr. H. said that he remembered a document in which he, in common with every other member of the House, was reported as a debtor to the Bank of the United States, when, in fact, he had never owed the bank a dollar in his life. This circumstance arose from the bank's charging every member of Congress with his per diem as he drew it from time to time, not deeming itself at liberty, until after the passage of the appropriation bill, to transfer a portion of the public money to the credit of the proper officer of the House. If it were intended to draw an inference from these loans that those corporations were

useful, the inquiry might as well be pushed further back than the last two years. But it might also happen that the object of the limitation might be to show that these corporations had recently made these loans, contrary to their former practice, and, by so doing, interfered with the money concerns of the Government. It seemed to be probable that the business of some of these banks might have become more extensive lately, in consequence of the contraction of the business of the Bank of the United States; but it was also probable that a portion of their business had always been that of furnishing facilities to persons connected with the Government, from the cause abovementioned; and if the House should limit its inquiry to a very moderate date, the inference would necessarily be, that all this was fresh business, arising from some recent cause, whereas it might be nothing more than a continuation of their customary proceedings. He did not like to vote for any amendment which would prevent access to this information, and would be obliged to move to strike out the latter clause of it.

Mr. GRENNELL, of Massachusetts, rose and said the reasons for this amendment to the instructions had not been stated by the mover with sufficient distinctness to enable him to comprehend them, and none had occurred to his mind of sufficient weight to command his vote for the present proposition. The object of the original resolution, said Mr. G., was perfectly justifiable, namely, to inquire into the past conduct and present condition of the banks in this District; and for a twofold purpose: first, to guide the judgment of this House on the question of recharter; and, secondly, to show to this community the causes and the authors of their embarrassments or sufferings in the matter of the bank currency of this District. Mismanagement and abuse of powers have been charged against several of the District banks to such extent as to work a forfeiture of their charters. Of the justice of these charges I pretend not now to judge. But we have witnessed enough to justify a rigid investigation of their concerns and conduct; it is due to this community, and to this Legislature, from whence these corporations emanated.

But, sir, is the inquiry proposed by the gentleman from Pennsylvania at all germane to this original object? It seems to me not. What is it? Why, sir, hardly less than an arraignment or trial of members of Congress and officers of the Government. It would be to raise injurious suspicions against them, most of whom may have been members of a past Congress, and who cannot be here to protect themselves, or explain their transactions with the banks. Yes, sir, we are to inquire, first, into mismanagement committed by the banks, fraudulent and corrupt, as is alleged; and then, by the same committee, at the same time and by the same inquest, to ascertain what members of Congress have taken loans; as if they had been participating in such mismanagement, or in some bad way connected with these institutions. Now, sir, if this branch of the instructions pass, who does not see that some portion of the public may connect the motives and actions of members and officers of the Government with the improper proceedings of the banks thus accused? Who does not see that odium may be cast upon honorable gentlemen for money transactions as innocent and fair as any that take place in the dealings of men? If you adopt this amendment, the public may suppose, and with some reason, that your commission is not only an inquest against doubtful banks, but against gentlemen as honest and honorable as any in the country. Sir, I do not know any member of Congress, the present or past, who has been a borrower at the banks of the District. If there have been such, I doubt not their transactions, and the motives that influenced them, have been fair and upright. And I will not allow myself to inquire or to suspect what member or what officer of the Government has had loans at these institutions, nor what party in this House or country may be affected by the proposed inquiry. I am opposed on principle to searching into, and displaying before the world, the private transactions of individuals with banks; and so have uniformly been my votes in this House whenever such questions have been tried. Especially am I opposed to an inquiry which, without light or reason, presupposes improper connexions of members of Congress with the accused institutions. I can imagine no benefit to result from the amendment proposed to the instructions, but much evil and injustice.

One word, said Mr. G., as to the duration of this commission proposed by the gentleman from Maryland. He proposes to extend it through this Congress. I should be better satisfied if he would limit it to the present session.

Mr. HOWARD again asked the gentleman from Pennsylvania if he would accept his amendment as a modification.

Mr. McKENNAN could not, he said, accept the amendment, and the House would therefore pass upon it. He had himself a distinct object in view, which was, to ascertain the loans made during a certain period.

Mr. EVERETT, of Vermont, remarked that the proposition of the gentleman from Pennsylvania would, he hoped, be understood as having been offered on his individual responsibility, and not that of the party with which the gentleman usually acted. He considered the proposition as totally wrong in principle, and should therefore vote against it. Mr. E. made some few remarks in opposition to the motion, which the reporter did not hear.

Mr. HOWARD said that, after what had fallen from the gentleman from Vermont, he would, for the present, withdraw his motion, to see what form the amendment might ultimately assume.

Mr. THOMAS rose, he said, to say a few words to put himself right before the House in regard to a subject which had been alluded to. Before the committee of investigation proceeded to act, the question of power was mooted by the gentleman from Massachusetts [Mr. ADAMS.] At the very first meeting of the committee at the United States hotel, the gentleman from Massachusetts assumed the position just stated by him, that it was improper and incompetent for the committee to investigate any transactions between the bank and its debtors, and the gentleman was particularly opposed to singling out for publication the transactions between the bank and members of Congress. The committee decided against the position of the gentleman, on the ground that unless they examined every transaction, and became acquainted with the nature of the security given for loans, they could not execute their instructions, nor report whether the bank, in their opinion, was solvent or not. As to the publication of the documents obtained, he (Mr. T.) reserved to himself the exercise of his discretion; and he would not consent now to report private transactions of a nature unimportant to the public, unless expressly so commanded by the House. He was furthermore opposed to the motion of the gentleman from Pennsylvania, because it was confined to the loans of one bank. There were other banks in the District which had at various times been depositories of the Government money, besides the bank referred to in the proposed amendment. Before he sat down he would modify his resolution by inserting the words "at the present session" after the word Congress, which words were omitted in transcribing the resolution, so that the committee might take charge of the memorials in relation to the renewal of charters or creation of new banks in the District, which might be offered during the present session.

Mr. KINNARD here moved to amend the amendment by adding the following:

And to make the same inquiry, as far as practicable, in its application to loans made by the United States Bank and branches to members of Congress and officers of Government, since the veto of the bill to recharter said bank; and also to loans made to members of Congress by all the deposite banks.

Mr. PARKER moved the postponement of the further consideration of the resolution and amendments till Monday next, to give time for printing the various amendments.

The motion was negatived.

Mr. PARKER opposed the amendments, and also the original proposition, in the form in which it was presented.

Mr. MANN said he was at this time opposed to the amendment, and would ask leave briefly to assign his reasons.

The amendment (said Mr. M.) proposes to instruct the committee, as far as may be practicable, to inquire into and report the pecuniary relations of the officers of the Government, and the members of this House, with the Bank of the United States and branches. It would, he said, be recollected, by all the gentlemen who were members of the last Congress, that a committee was appointed in the spring of 1834, from that body, and instructed to make similar inquiries, and an investigation of the affairs of the Bank of the United States generally, in pursuance of a power expressly reserved in its charter. Of that committee, Mr. M. said he had the honor of having been a member; and as such had endeavored, in conjunction with his colleagues, to perform the duty enjoined by the House. In that endeavor, the committee had proceeded to Philadelphia, under the belief that the directors and officers of the bank, professing their love and favor to "the constitution and laws," would not be among those who would "derogate" from the former, nor contemn and defy the latter. But (said Mr. M.) what was then the treatment which that committee, that House, and, through them, the nation, received at the hands of the great moneyed power? Sir, (said Mr. M.,) they were defied, contemned, insulted, by those who proclaim the "supremacy of the laws at the gates of their citadel." If you adopt this amendment, sir, what assurance have you that your committee, and this House, and their constituents, will not again be insulted by this contumacious and illegitimate offspring of your creation and power? Why, sir, are you not sure that, unless you send professors, who proclaim by heralds preceding them, not only their love of the constitution and laws, but their love of "golden relations to the bank, and their fealty to its power," you are certain to be defied and insulted by resistance, and by reasons similar to those you may find upon your record for that resistance? I wish (said Mr. M.) to recur to a few of those reasons on this occasion. That committee were authorized to send for persons and papers, under the powers of the House of Representatives in its constitutional legislative capacity, as is now proposed by the resolution under consideration. Believing themselves thus authorized, and having exhausted in their efforts, to execute the important duty devolved upon them, all the means depending upon the provisions of the charter, they were reluctantly and unwillingly driven to this dernier and last resort. That committee, sir, accordingly summoned the president of the bank, and their ten directors, to appear before them, and to submit certain books of the bank to the inspection of the committee. They appeared according to the exigency of the subpœna, and submitted a written document, which had been previously proposed and signed by them, "as the answer of each to the requirement of the summons." In that document they declared "that they did not admit any obligation by appearing, but attended to 'manifest their respect to the committee; that they did not produce the books designated and required,' because they are not in the custody of either of us, but of the board." They declared, further, that "considering that, as corporators, and as directors, we are parties to the proceeding, we do not consider ourselves bound to testify, and therefore respectfully decline to do so." Sir, (said Mr. M.,) this will be your answer again if you send this committee, unless it be of that "sacred confidence" kind which seemed to be subsequently more successful, from the other end of your Capitol. I select the terms "sacred confidence" from one of the replies made by the organs or oracles of the bank, to the committee of which I was a member, and in which they declare it to be their duty "to protect the rights and sacred confidence intrusted to their keeping." They must here have forgotten the provisions of their charter, or have lost their admiration for "the laws." It will scarcely fail (said Mr. M.) to occur to the House that the reasons assigned by those gentlemen for not producing the books according to the exigency of the summons, is one of first impression, and proceeds upon the idea of the impersonality of corporations, or, in the quaint language of Lord Coke, "that corporations have no souls, albeit they have immortality." The president and directors consult together in the strong castle of their corporate residence, shielded by the panoply of corporate power, upon the exigencies of their corporate situation and its political and golden relations, in order, as they say, "that they may be assisted by the judgment of each other as to the course they were individually to pursue; and agree that when they emerge forth from the mysterious oracle which protects and guides their corporate destiny, they will appear in the garb of humble citizens, to manifest their respect, but not to admit any obligation," refusing to bring forth the mysterious records of transactions of "sacred confidence" which they are bound to protect, "because they are not in the custody of either of us, but of the board;" thus attempting to conceal and mystify their resistance to the lawful exercise of the power of this House by confounding together the ideas of corporate and corporal existence; of corporate and personal obligations. Let it be remembered, Mr. Speaker, (said Mr. M.,) that the theory by which social compacts under Governments exist is, that each individual surrenders to the authority of the laws such portion of his natural rights as may be necessary for the orderly welfare of the whole, in consideration of the protection afforded to rights not surrendered; as, for example, the rights of life, liberty, property, and the pursuit of happiness; thus creating political obligations to submission on the one hand, and conferring political security on the other. The theory of the existence of impersonal and irresponsible beings, called corporations, makes them depend upon express, defined contract with the sovereign power. These corporate existences, with many heads and no soul, with no volition except through the medium of paper, wax, and seal, do not, I admit, owe the same duties to the State which are devolved upon natural and visible citizens; yet it is difficult, (said Mr. M.,) in applying these distinctions to the transactions under consideration, to perceive how it could be maintained that the same persons, assembled together, can transmigrate themselves with such magic facility from one existence to the other; and, between the two, escape the censure of the laws in either. Their argument is, that when they are assembled on one side of the table, they have the control of the books and papers of the bank, but when silently transferred to the other, their mystic union is dissolved, and instead of wearing the "insignia of the order, they wear the mantle of humble citizens, 'to manifest their respect, but not to admit any obligations.'"

Their reasons, sir, (said Mr. M.,) for their refusal to give testimony then, will be the same now, if you again make the attempt to procure it by the exertion of your powers. Those reasons, Mr. Speaker, were surprising to the committee, the House, and the country. The application of the principle of magic transformation from personality to impersonality was again resorted to by considering "themselves as corporators, directors, and parties to the proceeding," and therefore not bound to give testimony. They availed themselves of that wise maxim in the rules of criminal evidence which declares that no man is bound to criminate or dishonor himself; but Mr. M. said that he had not before then contemplated that a public corporation, established professedly as a necessary public agent, without personality, or the corporate capacity to be guilty of criminal offences, and amenable to the laws as such, could undertake to shield the mysteries of "its sacred confidence," under a rule of criminal evidence which can only be applicable to those who have personality, and "have souls." It seemed to have been forgotten then, and probably will not be remembered now, that the attempt to shield the bank from examination, under the principle stated, that it was a part of the very contract or charter of its existence, that "its proceedings may be examined by a committee of either House of Congress," and that when its agents and servants, by its corporate command, refuse such examination, and to give testimony necessary to unfold those proceedings, the very principles of such existence are violated. If, however, the directors in their refusal then, acted in their individual and natural capacity, and meant to avail themselves, as citizens amenable to the laws, of the protection of this obvious and merciful rule of criminal evidence to screen their own actions, in their own agency as directors and officers, from the scrutiny and examination of the public authorities, proceeding according to the forms of law, to vindicate the justice of that law, then I cannot but admit, Mr. Speaker, their right to do so when arraigned before the judicial tribunals of the country, in its fullest legal extent. It is a right secured alike to the most humble as well as the most exalted citizen. It should, however, be recollected that the duties of a committee of this House are not judicial. They cannot arraign, condemn, nor punish, but simply inquire and report the result of those inquiries to the body from whom they emanate. To conduct those inquiries, they are authorized to examine witnesses on oath. In their first step, they are told by the witnesses that they claim to be parties to the proceeding, as if they were arraigned by that proceeding before the bar of a judicial tribunal, and prepared to respond, "guilty or not guilty," and therefore not bound to respond to any other question. Sir, said Mr. M., if you send a committee to the bank, with the purposes indicated by this amendment, you will meet with the resistance to your authority which has been opposed to your inquiries before, and with such reasons for that resistance as were met before, to some of which I have alluded and commented upon, as well to show their existence as their futility and effrontery. It can, in my judgment, said Mr. M., be of no service, therefore, to renew the effort, unless the House are now prepared to vindicate their authority.

In respect to the main questions now under consideration, the resolution to commit the petitions from the banks of this District to a select committee, with the instructions proposed by the gentleman from Pennsylvania, [Mr. MCKENNAN,] to inquire into their pecuniary relations to the officers of the Government, I am, said Mr. M., in favor of both propositions. It is well known to the other members of this House that the Committee on the affairs of this District, standing in the place of its local Legislature, is burdened, and sometimes almost overwhelmed, with its business. The renewal of these bank charters is not ordinary business before that committee, and does not occur oftener than once in twenty years. It is conceded to be requisite that the affairs of these banks and their management and conduct of late, more particularly, because they have stopped payment, should be thoroughly probed and examined. The Committee on the District of Columbia, with great deference and respect I say it, will probably find more subjects of business for their action than will be convenient to them. It is, sir, for the interest of the banks themselves, if they expect a renewal of their charters at our hands, to submit their affairs to a thorough examination. There can be no objection to the proposition of the gentleman from Pennsylvania to examine the dealings of the public officers, or Representatives on this floor, with these banks; because, sir, I venture to believe that there is no honorable gentleman here who has such relations with them as will subject him to suspicion or censure. True, sir, I should prefer to leave the matter of the publication of those relations to the discretion of the committee, because I would not, said Mr. M., bring the private transactions of any gentleman before this House unnecessarily. But, sir, as it is intimated that there is something "rotten in the State of Denmark," let it be found out, promulged, and corrected.

Mr. WARDWELL had hoped that this question would have been sooner disposed of, and that an opportunity would have been afforded to present petitions, this being the last day that the House would sit this week. The proposition of the gentleman from Indiana had nothing to do with the original proposition. Certain banks had applied for a renewal of their charters, and an inquiry into the propriety of acceding to these applications was entirely proper. The gentleman from Indiana had, however, offered an amendment foreign to the subject, and he trusted it would be withdrawn.

Mr. WILLIAMS, of North Carolina, would not consent, he said, to commit a discretionary power to the committee, in regard to the proposed inquiry and report. He hoped the inquiry and report would be made full and ample, and then the House would judge of the propriety of making the facts reported public or not. He did not know what this subject had to do with the Bank of the United States. Did that institution seek a renewal of its charter? On the contrary, we were told that it was quietly winding up its affairs, and its charter would expire before this investigation could be completed.

Mr. MCKENNAN said he was reluctant again to trespass on the attention of the House, but felt constrained to say to the gentleman from Indiana, and to the persons (if any) with whom he had advised or consulted, that he had a distinct object in view, which was explicitly set forth in the amendment he had offered, and that he would not be driven from his purpose by any parliamentary management or manoeuvre which they might think proper to adopt. Let the gentleman persist in his amendment, and let the House, if they think proper, adopt it. Let the examination be as deep and as broad and as extended as a majority of the House should think proper to direct. He had no objections; but inasmuch as the gentleman's proposition was totally irrelevant to the subject-matter before the House, he, therefore, could not vote for it. The banks, into whose concerns it was proposed to make an examination, were petitioning for an extension of their charters. The Bank of the United States had presented no such application, and he could see no propriety in directing an inquiry into its affairs or its loans. But if the House think proper to adopt the amendment, let them do it. He presumed there was no one who had any thing to fear from any disclosures which could be made. Already had the names of many individuals, selected from the list obtained by the committee on a former occasion appointed to in-

vestigate its concerns, been laid before the public, as corrupted and bought up by that bank. The fair business transactions of those individuals had been characterized as the corrupt means of purchasing their influence. They had nothing to fear from any further disclosures; but whether or not, was not a consideration for him. He knew, and he took this occasion to say, that he had no connexion in any one way, either as stockholder or borrower, either as drawer or endorser, with the Bank of the United States or any of the banks in the District, and therefore had nothing to dread from any facts which could be brought out by the most enlarged scrutiny which the House might think proper to direct.

To his friend from Vermont, [Mr. EVERETT,] whom he was sorry to say, from his position in the House, he could not hear, and to the gentleman from New York, [Mr. MANN,] and others who still wished him to modify his amendment, he would say that his principal object in offering that amendment was to deprive the committee of the power of exercising any discretion in the case. He had no idea of vesting in any committee of the House an arbitrary discretion to select such borrowers as they may think proper to present to the House as having a corrupt and improper connexion with any of those institutions. He wished the committee so instructed as to constrain them to pursue an impartial and unprejudiced course. The resolution offered by the gentleman from Maryland gives them the power, if they think proper to exercise it, of laying before the House and the nation the names of A and B, as having a corrupt connexion with those banks, and of suppressing the names of C and D, whose transactions may be as improper and censurable. He deprecated the idea of vesting any such arbitrary power or discretion in the committee, and therefore wished it made their duty to present a list of the names of all the members of Congress and officers of Government who had received accommodations, in order that a fair view of the case might be exhibited. He therefore declined making any modification of his proposition.

Mr. McKIM moved the previous question.

The motion was seconded by a vote of 87 to 83.

The question then being, "shall the main question be now put?"

Mr. WILLIAMS, of North Carolina, said, as the effect of the previous question would be to cut off the amendment of the gentleman from Pennsylvania, he would call for the yeas and nays, and they were ordered.

The question was determined in the affirmative: Yeas 100, nays 96, as follows:

YEAS—Messrs. Anthony, Barton, Beale, Bean, Beardsley, Bovee, Brown, Bynum, John Calhoon, Carr, Carter, Casey, Chaney, Chapman, Chapin, Coffee, Coles, Connor, Craig, Cushman, Davis, Dickerson, Doubleday, Efner, Everett, Fairfield, Farlin, Fowler, William K. Fuller, Galbraith, Glascock, Haley, Joseph Hall, Hiland Hall, Hamer, Hannegan, Samuel S. Harrison, Haynes, Henderson, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Klingensmith, Lawler, Gideon Lee, Thomas Lee, Leonard, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, May, McKim, McLene, Miller, Montgomery, Morgan, Muhlenberg, Page, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Roane, Seymour, Shields, Smith, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Webster, Weeks—100.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Bailey, Beaumont, Bell, Bockee, Bond, Borden, Bouldin, Boyd, Briggs, Buchanan, William B. Calhoun, Cambreleng, Campbell, George Chambers, John Chambers, Childs, Claiborne, Clark, Cleveland, Corwin, Crane, Cushing, Deberry, Denny, Dromgoole, Evans, French, Philo C. Fuller, James Garland, Rice Garland, Graham, Granger, Grantland, Graves, Grennell, Griffin, Hammond, Harlan, Albert G. Harrison, Hazeltine, Hiester, Hoar, Howell, Hunt, Janes, John W. Jones, Kinnard, Lane, Laporte, Lawrence, Lay, Luke Lea, Lincoln, Love, Lucas, Lyon, John Y. Mason, Samson Mason, Maury, McCarty, McKay, McKennan, McKeon, Morris, Owens, Parker, James A. Pearce, Pettigrew, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, Rogers, Russell, William B. Shepard, Augustine H. Shepperd, Sloane, Spangler, Sprague, Standefer, Steele, Storer, Taliaferro, Waddy Thompson, Vinton, Washington, Whittlesey, Lewis Williams, Sherrod Williams, Wise—96.

So the House determined that the main question should be now put.

Mr. TALIAFERRO asked a division of the question, so as to obtain a separate decision upon that part of the resolution which refers to the select committee petitions which may hereafter be presented in relation to the banks of the District.

The CHAIR stated that the division pointed out was in order.

Mr. J. Q. ADAMS inquired if it was in order to adopt a resolution referring petitions to be hereafter presented to a committee.

The CHAIR decided that it was in order, but that the House could, at any time, reverse the order.

Mr. THOMAS, of Maryland, asked the unanimous consent of the House to modify his resolution, so as to omit that part objected to by the gentleman from Massachusetts.

The CHAIR inquired if there was any objection.

Mr. WISE said, I object, unless we can all have a chance to modify.

The question was taken first on the commitment of the subject to a select committee, and decided in the affirmative, without a count.

The question was then taken on the instructions, omitting the following clause: "to whom shall be referred all other memorials which may be presented to the present Congress," and decided in the affirmative, without a division.

The question was then taken on the instructions, omitting that portion of them which relates to future petitions, and decided in the affirmative, without a division.

Mr. AUGUSTINE H. SHEPPERD asked whether the second branch of the resolution, relating to the reference of future petitions, did not rescind a rule of the House; whether, if it was adopted, it would not require a vote of two thirds to refer to any other committee any petition on the subject.

The CHAIR stated that it was not required of the Chair to decide that question until the case should present itself.

The question was then taken on that part of the instructions which refers to the committee petitions to be presented hereafter, and decided in the negative, without a division.

The House then adjourned over to Monday.

MONDAY, JANUARY 4.

Mr. MANNING, of South Carolina, appeared, was qualified, and took his seat.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. J. Q. ADAMS presented a memorial from sundry inhabitants of the State of Massachusetts, praying the abolition of slavery and the slave trade in the District of Columbia, and remarked that, in conformity with the

course heretofore adopted, he should move that the petition, without reading, be laid on the table. Mr. A. was here interrupted by

Mr. PATTON, who asked whether the petition had been received.

The CHAIR replied in the negative.

Mr. GLASCOCK moved that the petition be not received.

The CHAIR stated that, upon looking into the authorities, he had formed the opinion that the first question to be decided upon the motion of a member was, whether the petition be received or not.

Mr. GLASCOCK felt it his duty, he said, notwithstanding the great discussion which had taken place on the subject, again to bring before the House, for its decision, the question of the reception of these petitions. He contended that, according to Mr. Jefferson's authority, which he cited, the motion was a proper one, and did not conflict with the right of petition; and, moreover, that it was expedient for the House to sustain the motion, if they wished to avoid the consideration of the question.

The CHAIR here stated that the discussion must be confined strictly to the question of the reception of the petition.

Mr. GLASCOCK resumed his remarks in support of the motion not to receive the petition.

Mr. J. Q. ADAMS rose to a point of order. The 45th rule, he said, required that no petition should be debated or decided on the day of its presentation. If the rule was not observed, the question might be debated the whole day, and members deprived of an opportunity of presenting their petitions. He appealed to that rule of order, and demanded, he said, that the question, if it was debated, should be postponed to a day certain.

The CHAIR decided that the 45th rule could not apply to a petition until it had been received; and, therefore, that it was in order to debate the motion not to receive.

Mr. J. Q. ADAMS appealed from this decision, and thereon asked the yeas and nays; which were ordered.

The CHAIR stated the ground of his decision, and the the question being, "Shall the decision of the Chair stand?"

A long discussion arose, in which Messrs. MERCER, SUTHERLAND, CRAIG, REED, BRIGGS, BELL, GLASCOCK, BEARDSLEY, WILLIAMS of North Carolina, PATTON, MANN, UNDERWOOD, THOMAS of Maryland, HAMER, EVERETT of Vermont, and J. Q. ADAMS, took part.

Mr. VANDERPOEL said that he did not profess to be very deeply learned in rules and orders; but the attention he had paid to what honorable gentlemen had already said upon this question of appeal, and the little reflection he had bestowed upon it this morning, had brought his mind to the conclusion that the Speaker was wrong; and he would very briefly state his reasons for the conclusion which his mind had attained.

Mr. V. said it had been remarked by the Speaker, and by his honorable colleague, [Mr. BEARDSLEY,] that the rules had not provided for such a case as was presented by the motion "not to receive the petition," made by the honorable gentleman from Georgia, [Mr. GLASCOCK.] It was, then, he supposed, a *casus omissus*, according to the views of certain gentlemen. Suppose it were so what was the question? And did it not come at least within the spirit of one of the rules of the House? The question was, whether the motion of the honorable gentleman from Georgia could be debated to-day? He humbly apprehended that this question was reached by the spirit of the forty-fifth rule of this House, which provides that petitions, memorials, and other papers, addressed to the House, "shall not be debated or decided on the day of their being first read." These rules were the laws of this House; those who enacted these rules were the law-makers, who enacted this little code for the government of our deliberations here. All gentlemen who had spoken seemed to concur in the opinion, that the object of the provision "that petitions or memorials shall not be debated or decided on the day of their being first read," was to prevent debate upon a single petition, which might consume the day provided by the rules for presenting petitions, and thus prevent all other petitioners from bringing their petitions before the House. We all agreed as to the spirit of the rule. If we sustained the Speaker, and permitted the debate upon the motion to reject the petition to occupy the day, would we not entirely frustrate the object of the rule, as to which all concurred? That object was to secure to all gentlemen, at least for one day, an equal right to present their petitions to the House; and here we would defeat that object, by permitting one gentleman, on the first hour of the first day, to enter upon a debate in relation to this petition, that would, if not arrested, most certainly consume the day. If we sustained the Chair, (said Mr. V.,) that portion of the rule which intended to guard against debate on the first day of the presentation of a petition would be entirely nugatory. Yes, it would be worse than a nullity; for it was competent for any gentleman, the moment a petition was introduced, to rise in his place and move that that petition should not be received. If it be true that such a motion must be forthwith disposed of, and may be debated the same day the petition to which it applies is presented, then a single member might, at all times, prevent all other members from introducing their petitions; because it was very obvious that the author of such a motion, in order to sustain it, would naturally go, and would surely be permitted to go, into the whole subject-matter of the petition. He would, perhaps, undertake to show that it called upon the House to grant an unconstitutional request; and we have already had experience enough to convince us that speeches about constitutional doctrines were never distinguished for brevity. Gentlemen who entertain adverse views would then undertake to show that the object of the petitioners was right, reasonable, and constitutional; and we would thus, before the petition reached the Speaker's table—nay, before it passed out of the hands of the gentleman who presented it—launch forth into a discussion, *in extenso*, upon the relative merits and demerits of the subject-matter of the petition; and this, not only to the exclusion of all other petitioners, but at a stage of the matter so early, that it was very unreasonable to ask gentlemen to vote as to the merits or demerits of the object of the petition. It was well known to the House that he (Mr. V.) was opposed to the object of this petition, but he felt himself called upon to say that he could not sustain the Speaker consistently with what he thought was the spirit of the forty-fifth rule, and consistently with the fair exercise of that equal right of petition which he supposed belonged to all the citizens of this confederacy.

Mr. BYNUM said he entered on the discussion of this subject with a mingled sense of pain and pleasure. He had ever been opposed to the agitation of this subject, here or elsewhere, and he denounced now and protested against the discussion of abolition within the walls of this House. But he had said that he rose with a sense of mingled pain and pleasure—he was pleased to see gentlemen show their hands on this subject. He thereby was enabled to tell those who favored this unholy agitation which threatened so imminently the dissolution of this blessed Union. He had said that he disdained to debate this question in this place; this was not the proper place to settle it; and he took the occasion to assure

gentlemen who thought differently, that that question could never be settled within the walls of Congress hall. It involved rights that this House had nothing to do with, nor would his constituents permit him in this place to call them in question. He repeated it, that he was not sent here to pass on and settle the rights of his people, or constituents, to their property. Whenever that was invaded, it would not be settled here, but on the battle field.

The SPEAKER reminded Mr. B. that he could not debate the merits of the question on an appeal.

Mr. BYNUM said he was aware of that. He was going on in reply to the remarks of the gentleman from Massachusetts, [Mr. ADAMS,] who seemed not to know the spirit and feelings of the southern people on that subject. That honorable gentleman had said, as well as others who preceded him on the same side of the question, that it should and ought to be met. He was the last man, he hoped, in or out of the House, that would blink this or any other question; but he had said he disdained to meet the question here, and discuss it here, because it was not, nor could it be, settled by Congress; and gentlemen who thought so deceived themselves most egregiously, and he was determined that they should know it on the first and every occasion that presented itself.

The SPEAKER again informed Mr. B. that he must confine himself to the motion before the House, and was not to discuss the main question.

Then, (said Mr. B.,) the illustrious framers of this body were reputed to be men of intelligence; and, if so, they would hardly have organized a body, such as this House is, without giving it power to protect itself. In fact, a contrary supposition would be a reflection on their illustrious memories; and how could that be effected without the power of rejecting an offensive petition or memorial, the very entertaining of which struck both at their dignity and very existence? The cases alluded to by his honorable friend from Ohio, [Mr. HAMER,] he thought perfectly analogous—the gentleman from Massachusetts to the contrary notwithstanding. If the House had not the right to reject, on the first blush, an offensive communication on its presentation, it was subject, at all times, to the insults and impudent abuse of every miserable, contemptible combination of wretches that might choose to reflect on and bring it into disrepute. Mr. B. said he had thought that, after the precedent just read by the honorable Speaker, there would not have been any further doubt entertained by any gentleman on the propriety of the decision of the Chair, or of the course that the petition should take. But the venerable gentleman from Massachusetts had objected to the similitude or analogy of the two cases; to prove which, he undertook to discuss the characters of the memorialists—one he said was a foreigner. He (Mr. B.) would not say that the characters of the memorialists, whose petition the gentleman had presented, were worse than foreigners. From the respect which he entertained for the honorable gentleman, and for others of the House, he did not wish to discuss the characters of those wicked, infamous petitioners, nor would he at that time, though there might be a time and an occasion when he would speak freely of those wretches that were throwing firebrands in this House, that might light up a flame, not to be quenched with water, but with blood; and the only way, in his judgment, to avoid it was to stifle every attempt at excitement on the occasion, by putting an early stop to the consideration of all such memorials by an immediate rejection.

He was sorry that he differed most widely from the opinions of two honorable gentlemen, for whom he entertained the greatest respect—the honorable gentleman from Virginia, [Mr. PATTON,] and the honorable gentleman from Tennessee, [Mr. BELL.] They had said that they thought it unimportant how this question was decided. He (Mr. B.) thought otherwise. He thought it a subject of the first magnitude, and an object of the greatest importance, to settle a precedent whether this House had the right to reject an offensive petition whenever it was presented. He hoped the House would never consent to bind up its own hands, so as to be incapable of defending itself, by refusing to consider any insulting or otherwise dangerous communication, that might be incompatible with either its dignity or safety.

The gentleman from Massachusetts had said something about the want of precedents on this subject, and that the Speaker had quoted a precedent of eighteen years' standing to justify his decision. He (Mr. B.) would call the gentleman's attention to the conduct of the Senate for a precedent or precedents, during that ever-memorable session, called the panic session, and ask him how many memorials were rejected, and refused to be considered by that body, and on the same day, too, that they were presented? I ask if the gentleman's colleagnes in the Senate--yes, both of them—did not vote to refuse to consider objectionable and offensive memorials and petitions? Mr. B. recollected various occasions when it had been done by that body, during the session alluded to; and why should this House be less sensitive, or tenacious of its dignity or safety, than the Senate? For his part he could see none; and, for himself, he would be the last to acknowledge it. He hoped the House, therefore, would sustain the Chair in the decision it had made, and refuse at once a consideration of the obnoxious petition. Here the matter could not, and would not, be settled.

Mr. VINTON rose, he said, not to take a part in the discussion, but to endeavor to put an end to it. The whole question debated was, whether the motion not to receive should be debated to-day or to-morrow; and this day being already spent in the discussion, if the House adjourned, they should settle the question, and to-morrow the motion would be in order for debate.

On motion of Mr. VINTON,

The House then adjourned, at four o'clock.

The following gentlemen were appointed the select committee on the banks of the District of Columbia, under the resolution offered by Mr. THOMAS, of Maryland:

Mr. THOMAS, of Maryland; Mr. PIERCE, of New Hampshire; Mr. REED, of Massachusetts; Mr. MAY, of Illinois; Mr. BEAUMONT, of Pennsylvania; Mr. HUNTSMAN, of Tennessee; Mr. PINCKNEY, of South Carolina; Mr. GARLAND, of Virginia; Mr. CLAIBORNE, of Mississippi.

TUESDAY, JANUARY 5.

NEW YORK SUFFERERS BY FIRE.

Mr. CAMBRELENG, from the Committee on Commerce, reported the following amendment to the bill for the relief of the sufferers by fire in New York, as a substitute for the second section of the bill reported:

SEC. 2. *And be it further enacted*, That the collector of the port of New York is hereby authorized and directed to extend the payment, in the manner prescribed in the first section of this act, of all the bonds given for duties at the port of New York prior to the late fire, and not provided for in the first section as aforesaid, for six, nine, and twelve months, from and after the day of payment specified in the bonds. Provided, however, that nothing contained in this act shall extend to bonds which had fallen due before the 17th day of December last.

Mr. C. said the substitute would, he hoped, meet the approbation of the House, as it did that of the committee of the sufferers; and he gave notice that he should ask the House to go into the Committee of the Whole on the state of the Union to-morrow, for the purpose of taking up the bill.

PUBLIC LANDS.

Mr. CASEY, from the Committee on Public Lands, reported a bill to graduate the price of public lands, make provision for actual settlers, and cede the refuse lands to the States in which they lie. Read twice, and committed to the Committee of the Whole on the state of the Union.

Mr. WILLIAMS, of North Corolina, said the bill and report just made by the gentleman from Illinois, [Mr. CASEY,] related to a very important subject; and it was desirable that information should be distributed as to the nature and object of the measure proposed. He therefore moved the printing of 3,000 extra copies of the bill and report; which motion, by consent, was considered and agreed to.

MICHIGAN MEMORIAL.

Mr. BEARDSLEY asked leave to present a memorial from the Senate and House of Representatives of the State of Michigan.

An objection being made,

Mr. BEARDSLEY moved the suspension of the rule.

Mr. BOND said he should move that the memorial be not received.

Mr. KINNARD called for the yeas and nays; which were ordered.

Mr. ASHLEY inquired what was the character of the memorial.

Mr. BEARDSLEY said it related to the general boundary question.

The question was then taken on the motion to suspend the rule, and it was determined in the negative: Yeas 110, nays 101.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. CRAIG asked the unanimous consent of the House to the postponement of the question of order before the House at the last sitting, for the purpose of calling the States for petitions; which was objected to.

Mr. BEARDSLEY moved the postponement of the question of order before the House till Tuesday next.

Mr. J. Q. ADAMS asked what was the question before the House when it adjourned.

The journal was read, and Mr. A. expressed his assent to the postponement.

The motion to postpone was agreed to.

MICHIGAN MEMORIAL.

Mr. BEARDSLEY presented the memorial of the Senate and House of Representatives of the State of Michigan, and moved its reference to the Committee on the Judiciary.

Mr. HANNEGAN called for the reading of the memorial.

The Clerk proceeded to read it.

On motion of Mr. HANNEGAN, the reading was suspended; and

Mr. HANNEGAN moved the rejection of the memorial.

The CHAIR decided that the motion and the subject to which it related must lie over till to-morrow.

PRINTING DOCUMENTS.

Mr. WISE rose and said, that on the 8th day of December, it was, on his motion, ordered that 15,000 copies of the President's message and accompanying documents, and 5,000 copies of the message without the documents, be printed for the use of this House. By the law of 1819, it was provided that, in case of inconvenient delay in the printing of documents by the printer to the House, it should be the duty of the Clerk to employ another printer, and charge the excess of cost to the printer guilty of such delay. He had risen to ask the Clerk if he could inform the House what was the cause of the delay and gross negligence which had occurred in the execution of the order of the House? The message and documents were annually ready in ten days; and now a month had passed, and but a few copies had been laid on our tables.

The CHAIR said he could not entertain the discussion without the assent of the House.

Mr. GILLET offered to give the explanations requested.

Mr. REYNOLDS moved an adjournment; which was agreed to; and

The House then adjourned.

WEDNESDAY, JANUARY 6.

CAPTAIN NATHAN HALE.

Mr. WARD from the Committee on Military Affairs, asked to be discharged from the further consideration of the petition of sundry citizens of the town of Coventry, State of Connecticut, praying the erection of a monument to the memory of Captain Nathan Hale, of the revolutionary army. Mr. W. stated that the committee were of the opinion that they possessed no jurisdiction of the matter referred.

Mr. JUDSON moved that the petition of the citizens of the town of Coventry be committed to a select committee; and, in support of that motion, proceeded to remark that this petition came from nearly five hundred of his fellow-citizens, who were honest in purpose and respectable in character. It had been heretofore referred to the Committee on Military Affairs, and that committee had come to the result that the subject of the memorial did not necessarily fall within their jurisdiction. The motion was now made to refer the memorial to a select committee, upon the idea that there was no standing committee organized by the House to whom the same could be appropriately referred. It was, indeed, matter of surprise that, to a request so reasonable, there should be one objection heard; when the question should be understood, he was sure all such objections would be withdrawn.

Captain Nathan Hale, of the State of Connecticut, a brave young man, stimulated by his ardent patriotism, entered the army, and was intrusted with a captain's commission; and, during that glorious struggle, General Washington requested the services of some officer to ascertain the condition of the invading army, when a knowledge of the movements of that army were essential to the existence of the American army. No officer could be found to perform this delicate and hazardous service, until Captain Hale became a volunteer, and, in that service, he died a martyr in the cause.

No notice had ever been taken of that event by the Government. It was due to the honor of the nation that it should now be done; and this was the object of the reference moved. This was not without precedent. Congress had ordered a monument to be erected over the remains of the lamented General Brown, at the expense of the United States. Every American approved the course; and it might now be asked, was not this a case of equal moment? Should the reference be made, it would be competent for the committee to report on the specific prayer, or they might report that suitable measures be taken to remove to the sepulchre of his fathers the remains of Captain Hale, or to extend to his heirs at law the benefits of the resolution of 1780.

The House should not be now detained further on the

mere question of reference; but when the committee should have reported, it should then be his business to show this House that these petitions must not be sent away unheard.

After a few remarks of an explanatory character, and in reference to the meritorious services of Captain Hale, by Messrs. JUDSON, WARD, PEARCE of Rhode Island, ADAMS, and TOUCEY, the memorial was referred to a select committee of five, and, on motion of Mr. BRIGGS, ordered to be printed.

SLAVERY IN THE DISTRICT OF COLUMBIA.

The CHAIR proceeded, under the rule, to call for resolutions by States, commencing with the State of Maine.

Mr. JARVIS, of Maine, submitted the following resolution:

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress. And be it further resolved, that, in case any petition praying the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid upon the table, without being referred or printed.

Mr. JARVIS said the resolution which he had just submitted was precisely similar to the one which the gentleman from Georgia [Mr. OWENS] had endeavored to bring before the House without success, and he now offered it at his request; but he was not doing so out of mere courtesy to that gentleman, but from a desire that this subject might be settled in such a manner as might be satisfactory to the southern people.

Mr. ADAMS requested that this resolution might be postponed until the States were called through for resolutions.

Mr. JARVIS resumed. He said if he thought there was any probability of keeping off a discussion of the subject, he would not object to having it postponed; but, as it was, he thought we might as well take it up now as at any other time. He did not mean to enter into a discussion of the subject, but merely to state, in a few words, that, from all he had seen for the last month, he entertained no doubt that not only a large majority of the House, but also a large majority of the Representatives of the non-slaveholding States, were decidedly averse to any action on the subject of the abolition of slavery in the District of Columbia by Congress. His constituents deprecated the agitation of the question. They consider that it belongs exclusively to the southern States, and that any interference by us would be unwise and unwarrantable. He thought he was fully justified in making this assertion, by what took place in Maine during the last summer. In the meetings which were then held party spirit was lost sight of, and men who had never acted together before were found uniting, like a band of brothers, to avert a catastrophe which impended over us. Then, without distinction of party, the most prominent in station, in private worth, in wealth and intelligence, attended these meetings; and resolutions were adopted at them which spoke but one language, and that was a reprobation of the abolitionists. By permission of the House he would read a resolution which was unanimously adopted at the meeting which was held at Augusta, the seat of Government of the State of Maine:

"*Resolved*, That any interference by the non-slaveholding States on the subject of slavery is incompatible with the preservation of the Union; we view with regret and alarm all attempts to excite such interference or to disturb the peace of the country by the fruitless agitation of that exciting subject; and we hold it to be the duty of every patriot to 'frown upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now bind together its various parts.'"

Mr. J. said that comment on this resolution was useless. It was not his intention to enter further into this discussion; nor would he have said thus much, had it not been for misrepresentations (no doubt unintentional) which had been made upon this floor, with regard to the feelings of the people of the eastern States, which, at the time, there was no opportunity to repel.

When Mr. J. concluded his remarks,

Mr. J. Q. ADAMS moved to lay the resolutions on the table.

Mr. GLASCOCK asked for the yeas and nays; which were ordered.

Mr. MILLER asked for the reading of the resolutions; which being done, the question was taken on laying the resolutions on the table, by yeas and nays, as follows:

YEAS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Ashley, Bailey, Beaumont, Bond, Borden, Briggs, Carr, George Chambers, John Chambers, Childs, Clark, Corwin, Crane, Cushing, Davis, Denny, Evans, Philo C. Fuller, Grennell, Haley, Hiland Hall, Hammond, Hard, Hardin, Henderson, Hoar, Howell, Ingersoll, William Jackson, Janes, Joseph Johnson, Kennon, Kinnard, Klingensmith, Laporte, Lawrence, Lincoln, Logan, Love, Job Mann, S. Mason, McComas, McKennan, Milligan, Morris, Parker, Dutee J. Pearce, Peyton, Phillips, Potts, Reed, Russell, Shields, Sprague, Storer, Sutherland, Underwood, Vinton, White, Whittlesey, Lewis Williams, Wise—66.

NAYS—Messrs. Ash, Barton, Beale, Bean, Beardsley, Bell, Bockee, Boon, Brown, Buchanan, Bunch, Bynum, William B. Calhoun, Cambreleng, Campbell, Carter, Casey, Chaney, Chapman, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Deberry, Doubleday, Dromgoole, Efner, Everett, Fairfield, Farlin, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Graham, Granger, Grantland, Grayson, Griffin, Joseph Hall, Hamer, Hannegan, Samuel S. Harrison, Albert G. Harrison, Haynes, Hazeltine, Hiester, Holsey, Hopkins, Howard, Hubley, Huntington, Hunstman, Ingham, Jabez Jackson, Jarvis, R. M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kilgore, Lane, Lansing, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Loyall, Lucas, Lyon, Abijah Mann, Manning, Martin, William Mason, Moses Mason, Maury, May, McKay, McKeon, McLene, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, James A. Pearce, Phelps, Pickens, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Seymour, William B. Shepard, Augustine H. Shepperd, Shinn, Slade, Smith, Spangler, Standefer, Steele, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Vanderpoel, Ward, Wardwell, Washington, Weeks—133.

Mr. CAMBRELENG called for the orders of the day; but withdrew his motion at the request of Mr. WISE, who pledged himself to renew it.

Mr. WISE then moved the following amendment:

Amend by striking out after "*Resolved*," and insert, "That there is no power of legislation granted by the constitution to the Congress of the United States to abolish slavery in the District of Columbia, and that any attempt by Congress to legislate upon the subject of slavery will be not only unauthorized, but dangerous to the Union of the States."

Mr. WISE said, before he renewed the motion of the gentleman from New York, he would take that opportunity to say that he hoped his amendment to the reso-

lution of the gentleman from Maine would bring the direct question before the House. The war was now commenced between evasive and direct propositions upon this subject, for he regarded the propositions of the gentleman from Maine as entirely evasive. He regarded them as unsatisfactory to the South, and nothing could satisfy them but a bold, direct, and manly vote upon this question. Let it be settled. That was all they asked. He wished now to see who would vote for the one proposition, and who for the other. He wished to see now who would move the previous question to cut off this amendment. He wished the whole South to mark it, if the previous question to this amendment should be put upon them. Let them toe it, and let the South be undeceived, or let the South be guarantied in her rights. Mr. W. moved to print the original resolution and the amendment, and then renewed the motion for the orders of the day.

Mr. GLASCOCK rose to request the gentleman from Virginia to withdraw his motion, as he simply wished to offer an amendment to the resolution also.

Mr. WISE said it lay with the gentleman from New York.

Mr. CAMBRELENG assented.

Mr. GLASCOCK moved the following, as an additional resolution:

Resolved, That any attempt to agitate the question of slavery in this House is calculated to disturb the compromises of the constitution, to endanger the Union, and, if persisted in, to destroy, by a servile war, the peace and prosperity of the country.

The CHAIR said the gentleman must move it as an amendment to the amendment.

Mr. GLASCOCK then made that motion.

Mr. WISE accepted it as a modification of his amendment.

Mr. GLASCOCK wished, he said, his amendment to be offered as a substitute for that of the gentleman from Virginia, so that the whole question, in some form or other, would be presented to the consideration of the House.

The CHAIR said that could only be done by moving to strike out from the amendment all after a certain word. It would be competent for the gentleman from Georgia to move to strike out all after the word "that," and insert his amendment.

Mr. GLASCOCK said he would make that motion. His object was, as expressed by the gentleman from Virginia, to come to some understanding, and, by some direct and decisive vote, ascertain how far their northern brethren were disposed to go with those of the South on this question; and he was gratified to find that, for the first time, it began to assume some tangible shape.

Mr. G. said he wished it distinctly understood that, so far as the resolutions of the gentleman from Maine went, they met his approbation; but that they did not go far enough was perfectly clear to himself, and evident upon the very face of them. Whatever might be the constitutional difference of opinion as to the right of Congress to interfere with slavery in the District of Columbia, it was expected by the South, if such a right be recognised, (which he would not for a moment believe,) that something definite should be done, and that we should be placed in possession of their views on this important subject; and he believed they would be such as to quiet all fears, and sooth the feelings of a now agitated people. If, however, he was mistaken, in the language of his resolution, further attempts to agitate this question here would be calculated to disturb the compromises of the constitution, and endanger this Union. The simple act of laying petitions of the character of those presented here, and expected to be presented, on the table, was not calculated to allay the feelings of the South, and if such a result was anticipated, gentlemen were indeed mistaken. But he did believe that if, on the present occasion, there could be a clear expression of opinion against the right of Congress to interfere with slavery in this District, coupled with the sentiments of the public meetings held throughout the different States of the North, that it would tranquillize the "troubled waters," and have the tendency to quiet and satisfy the South. But if it be not done, these fond anticipations would never be realized. Now, said Mr. G., was the proffered time for his northern brethren to come forth; the crisis had arrived when they should speak out, and if they spoke and acted as he expected, then all would be well.

Mr. G. said he had no objections that a direct resolution, or series of resolutions, should be offered, declaring that it was a violation of the constitution for Congress to interfere with slavery here; that he had satisfied himself it was unconstitutional, and should vote for any such resolution. But, whilst he was disposed to do this himself, he was not prepared to censure those, or impugn the motives of such as might differ with him. And he felt it to be his duty in candor to state that, so far as the abstract question of the constitutional right was concerned as to this District, there were various and conflicting opinions, among the best jurists as well as constitutional lawyers of the country, and he regretted that some of these were to be found even in the South. And even here, in this House, said Mr. G., he knew several who would vote against any resolution declaring it unconstitutional in Congress to interfere with slavery in the District, but who would go heart and hand with the southern members against any such interference, and against the reading and even printing of the petitions of the abolitionists, or furthering their views, either directly or indirectly. And, from what had taken place, he looked with great confidence for a warm and cordial support of the resolution which he had the honor to offer. He thought it the least the South ought to expect, and what they had a right to require, from their brethren of the North.

Mr. HOLSEY then rose, and, after proceeding a few moments, gave way to

Mr. CAMBRELENG, who moved the orders of the day; which motion was agreed to.

SEMINOLE HOSTILITIES.

On motion of Mr. CAMBRELENG, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. COXXON in the chair.

On motion of Mr. CAMBRELENG, the committee proceeded to consider the following bill:

A bill making an appropriation for repressing hostilities commenced by the Seminole Indians.

Be it enacted, &c., That the sum of $80,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the expenses attending the repression of hostilities commenced by the Seminole Indians in Florida.

A communication from the Secretary of War on the subject was read; when

Mr. CAMBRELENG briefly adverted to the depredations committed by the Seminoles, their having laid waste and desolated the country for eighty miles, &c.

Mr. VINTON inquired whether the gentleman from New York was in possession of any information as to the cause of this war, or who commenced it?

Mr. CAMBRELENG said he had in his possession a package of documents containing the desired information. The disturbance had grown out of a treaty with the Seminoles, the execution of which had been postponed from time to time by them; and when a portion

of these Indians had determined to remove, two of their own chiefs had been murdered by themselves, &c. The gentleman from Ohio could examine the correspondence in his possession, and he would be able to satisfy himself on the subject.

Mr. VINTON inquired when the treaty alluded to was made? He did not wish to delay the passage of the bill; but if it was the treaty of 1823, or 1824, it was his intention to move to amend it by making it obligatory on the United States to carry that treaty into effect.

Mr. CAMBRELENG adverted to the necessity of speedy action upon this subject. The war was progressing. Fifteen hundred Indians were in the field, and they were opposed by only about two hundred troops. Unless speedily repressed, they would probably make inroads upon the State of Georgia. If the gentleman from Ohio desired to raise a question or a debate upon the treaty, he could select another opportunity, without embarrassing the present measure.

Mr. ADAMS called for the reading of the bill; which having been read,

Mr. A. rose and said: Mr. Speaker, I propose to amend this bill, by introducing after the words "to be expended," the words "under the direction of the Secretary of War, conformably to law." My objection to the bill as it now stands is, that it is an appropriation rather too indefinite; and I make this motion now, more with a view to anticipate what I presume will be an amendment proposed in another place, than for any other consideration. And I make it now the more readily, because at the close of the last session of Congress in the case of a similar appropriation, not only the appropriation itself failed, but the whole bill to which it was annexed (and an extremely important one it was) failed entirely, as I understood, in consequence of the indefinite nature of the appropriation.

Here, sir, is an appropriation for eighty thousand dollars only—that was an appropriation for three millions; but the principle is the same. Here is an appropriation for the suppression of a war with the Seminole Indians. Well, sir, under whose direction is the money to be expended? Is it to raise an army? The constitution of the United States says that Congress shall have exclusive power to raise an army. In what manner is it to be expended? Is it intended by this appropriation of eighty thousand dollars to give to the Executive of the United States power to raise men—to raise a force? Is it intended to confer upon him the power of exercising that which the constitution has exclusively reserved to Congress? If this is the intention, I shall be most reluctantly compelled to vote against it. If it is not the intention, I ask that something or other should be introduced into the bill which shall explicitly state under whose direction, and in what manner, this money is to be disposed of; so far, at least, as that it shall be expended according to law.

When the appropriation of last year, to which I have referred, was introduced to this House by the same gentleman, I believe, who proposes this, I voted for it, indefinite as the terms in which it was expressed were; but I did so under a principle which I have always understood to prevail, and which I never considered as doubtful, until it was made a question on that occasion; and that was, that, make your appropriations ever so indefinite, grant to the Executive a hundred millions of money to be expended, you give him no power to expend one dollar without the authority of law, separate from, and independent of, your appropriation. Well, sir, when that bill went to the other branch of the Legislature, this appropriation for three millions of dollars was not only negatived and rejected, but, when it came back to this House, and the House had insisted on the appropriation, the Senate immediately adhered to their rejection; and, as I understood, (for I do not know officially the grounds and principles upon which the Senate rejected the appropriation,) but it was understood to be upon the ground that this was an indefinite throwing of three millions of dollars into the lap of the Executive, entirely at his discretion, and without being circumscribed even by any specified limits. The immediate consequence of this was, that the bill came down to this House; a committee of conference was demanded and was held, and a compromise was made, by which the appropriation was reduced, I think, to eight hundred thousand dollars, and something of a limitation of the terms in which it was expressed was introduced: the terms were not quite so indefinite as in the original bill. This serves to show that the real objection which was taken in the other branch of the Legislature was to the indefinite terms in which the appropriation was made; and that there is some plausibility at least in the suggestion, I infer from the fact of the committee having agreed to make it more definite in its terms, as well as to reduce the amount. Sir, it so happened that this compromise was too late; and, in consequence, not only the appropriation, but the whole bill, failed, to the very great injury, in my humble opinion, of the interests of the country. I believe the appropriation itself would have been a most profitable and useful one at that time. I believe that the bill was one of the most important that was introduced during the session, and that the country is now suffering in consequence of its failure.

I ask the gentleman, therefore, to assent to the introduction of something like these terms: "to be expended under the direction of the Secretary of War, conformably to law."

Mr. CAMBRELENG briefly replied to some of the remarks of the gentleman from Massachusetts. He had no objection to the amendment which had been proposed.

Mr. EVERETT made a few remarks, which were wholly inaudible.

The amendment was then agreed to, and the bill laid aside.

NEW YORK SUFFERERS BY FIRE.

The committee proceeded to consider the bill making appropriations for the relief of the sufferers by the fire in the city of New York.

Mr. CAMBRELENG made several verbal amendments; which were agreed to.

Mr. C. then offered a substitute for the second section, (being the same which was contained in the proceedings of yesterday;) which was agreed to.

Mr. CAMBRELENG explained briefly the provisions of the bill; stated the various acts, from 1790 to 1801, for remission of duty in cases of fire; and, from 1803 to 1824, for extension of credits in similar cases. He reminded the committee that the question was not now of remission of duty on goods destroyed by the fire, but one which concerned Government quite as much as its debtors. On the question of remission, when it came before them, he should submit his views; and he hoped a majority of the House would concur with him. To the bill now submitted he anticipated little opposition. The first section was in conformity to the usage of Government in cases far less important; the second would apply to debtors of Government equally unfortunate, but not provided for in the first section.

Mr. C. then went into an argument to show that, while under the old laws and long credits, the merchants had enjoyed the use of the public money; under the late revision, by substituting cash duties on woollens, and three and six months on all other goods, the merchant was compelled to advance the duties to Government;

and that those debtors for whose relief the bill was designed had actually advanced to the Government, in 1835, near twelve millions of dollars, independent of the three or four millions now due. So far from Government being a lender to its debtors, the city of New York was actually a lender to Government of millions beyond the amount now deposited in that city, which had been advanced, and was now loaned to the East, West, North, and South. The extension of the bonds was merely to restore temporarily that which they had advanced. The extension of credit on bonds for duties on goods, all of which had been imported within three months, and some of which had been entered within a week—some even on the day of the fire. The second section of the bill in fact merely contemplated extending the payment of the bonds to a period which, under the old credit laws, they would have been entitled to. It simply proposed to allow our debtors time, as one of the committee had expressed himself, to "clear away the ruins, before we demanded the payment of our bonds." The Government would save money by the extension proposed, while it would lose by insisting upon the payment of its bonds during the first quarter of the present year, which he thought would be a period of pressure not surpassed by any since 1825. The Government should act upon the principle of every other creditor—it must, like banks and capitalists, extend credit to its debtors, or take the chance of losing its debts. He could not anticipate opposition to such a measure, and should wait for objections to it to answer them.

Mr. HARDIN said he had the bill before him, and he could not find a gentleman who understood the amendments. He found in the bill, as originally printed, that the first section extended a credit of three, four, or five years, making the credit equal to four years, while there was no provision that these petitioners should pay interest. This was giving the merchants twenty-four per cent., while there was no relief extended to insurance offices, none to holders of real estate, none to those who had buildings on ground rent, but all to the merchants. He wished to call attention to the subjects. Credits ought never to be extended, upon the mere assent of security. If there was to be an extension made, it ought only to be made when the principal and security both came forward and gave new bonds. But unless there could be a satisfactory reason assigned, he could never vote for the second section of the bill. What does that section propose? It proposes to give away all the surplus revenue. West of the Alleghany mountains, some eight or ten millions were collected for lands. Was this all to be given away, for the benefit of the merchants of New York? Mr. H. concluded by moving that the committee rise and report the first two bills, and ask leave to sit again on the bill before the committee; but withdrew the motion at the request of

Mr. CAMBRELENG, who said the gentleman had fallen into an error. The second section had been amended by striking out the part the gentleman took exception to.

The bill was then passed over.

CONVENTION WITH SPAIN.

On motion of Mr. MASON, of Virginia, the committee proceeded to consider the bill providing for carrying into effect the convention with Spain.

After a brief explanation by Mr. MASON, and a few remarks by Mr. ADAMS, the latter suggested the propriety of looking further into the subject, and for that purpose he moved that the committee rise; which was agreed to.

The committee then rose and reported to the House the bill making partial appropriations for the support of Government for the year 1836, and the bill making an appropriation for repressing hostilities on the part of the Seminole Indians.

The amendment to the latter bill was concurred in, and the two bills were ordered to be engrossed and read a third time to-morrow.

The House then adjourned.

THURSDAY, JANUARY 7.

THE UNITED STATES AND MEXICO.

Mr. J. Q. ADAMS rose, he said, to make an inquiry of the chairman of the Committee on Foreign Relations, on the subject of the relations between this Government and that of Mexico. He adverted to some statements on the subject, which appeared in the National Intelligencer of this morning, and which, at his request, were read by the Clerk. Mr. A. said the question which he wished to ask of the chairman of the Committee on Foreign Relations was, whether the committee had received any communication from the State Department on the subject of the relations, political or commercial, between the United States and Mexico. If they had not, he concluded that they might receive such information to-day or on Monday, for a motion would probably be made to adjourn over till Monday.

Mr. MASON, of Virginia, (chairman of the Committee on Foreign Relations,) said, in reply, that the Committee on Foreign Affairs had received no communication from the State Department on the subject of the relations of the United States with Mexico, whether commercial or political; and that they had no information on that subject other than that contained in the message of the President of the United States, delivered at the commencement of this session.

Having seen a statement in a newspaper of yesterday's date, founded on a commercial letter, that the arbitrary measure alluded to by the gentleman from Massachusetts had been adopted by the Mexican Government, he (Mr. M.) had called at the State Department, and was informed that no intelligence had been received on that subject. He (Mr. M.) had no doubt that, if the rumor proved to be true, information would be promptly communicated to Congress.

Mr. ADAMS said he would give notice that, unless, to-day or on Monday, information on the subject should be received by the House, he would submit a proposition in regard to it.

Mr. HARDIN moved that the rule be suspended, in order to receive petitions, beginning where the House left off on a former day. He saw no reason, he said, why the green valleys of the Ohio should not be heard from as well as the green mountains of Vermont. The motion was agreed to.

MICHIGAN MINING COMPANY.

Mr. VINTON moved to reconsider the vote by which the following resolution offered, on leave, by Mr. JONES, of Michigan, was agreed to.

"*Resolved*, That the Committee on Public Lands be instructed to inquire into the expediency of granting and extending the right of pre-emption to the miners or diggers of the Mining Company, situated in the Territory of Michigan."

Mr. VINTON spoke in support of the motion, and stated that the Government had been defrauded under the pre-emption acts out of a million of dollars. He wished these people distinctly to understand that the proceeding will not be countenanced by the Government, and he therefore opposed the resolution even in the form of an inquiry.

Mr. JONES, of Michigan, briefly replied to the gentleman from Ohio.

Mr. RIPLEY said the experience which the Gov-

ernment had had of the operation of the pre-emption acts ought to satisfy the House that the system ought not to be carried any further. In one case, to which he referred, in Louisiana, ten millions of dollars' worth of public lands were covered by pre-emption rights—not of actual settlers, but by fraudulent settlements made by capitalists from New York and New Orleans. He had himself drawn up a resolution proposing an inquiry on this subject, with a view to detect and punish such frauds.

Mr. WILLIAMS, of North Carolina, said the facts disclosed went certainly to prove that Congress ought to be exceedingly guarded in relation to acts of this kind. Even if no fraud nor abuse had been practised in relation to them, still he thought the resolution of the gentleman from Michigan ought not to pass, because it introduced a new kind of pre-emption not heretofore recognised by the Government. It had been heretofore granted only to actual settlers who cultivated their lands, but this proposition went to give the right to individuals who lived by digging lead. The principle, he thought, was wrong, and he was opposed to the inquiry, because it encouraged an expectation in the parties concerned, which would never be realized.

Mr. ASHLEY said there would be no objection to a resolution of inquiry. It was perfectly proper to make an inquiry in regard to the rights of those who were located near lead mines. It was conceded that frauds had been practised under the pre-emption system, but this was no argument against the extension of the system, under proper guards. Pre-emption was one of the privileges which the Government ought to extend to settlers of public lands; and, in regard to the lead mines, it could be shown that the proceeds arising to the Government from renting them did not pay the expenses of collection, and the settlers near them were as much entitled as any other class of settlers to the privilege. He was happy to believe that the State which he in part represented, though a large portion of the land there belonged to the Government, furnished an exception to charges of fraud practised under the pre-emption acts. He had never heard of an instance of the kind as having occurred there.

The class of settlers to whom the pre-emption acts applied were the very poorest persons who emigrated from the old States. If they were not allowed this privilege, they must become slaves, and labor for others until they could acquire a sufficient sum to purchase at the land sales. There was many a family which had gone to the West poor, and had there been made comfortable and respectable by means of this privilege. Those who settled the western country, who were the pioneers of civilization there, who cut the roads, established schools, and erected mills, for those who followed them, were the people of this class, the settlers—some gentlemen might call them the intruders—on the public lands. He was well convinced that the Government had lost nothing by the pre-emption laws, except by some fraudulent acts, and it was no reason why the system should be abolished because some abuses had been practised under it. The committee could guard the law in such a way that no abuses could be practised hereafter. To reject the application of these individuals, after the system had been so generally extended heretofore, would be, he conceived, unjust. The State of Ohio had received the full benefit of the system, and from that quarter there ought to be no objection to the resolution.

Mr. LANE spoke in favor of continuing the pre-emption system, which, he said, was as old as the land laws themselves, and was one of the most valuable principles adopted in relation to the public lands.

Mr. JOHNSON, of Louisiana, said he held in his hand a resolution on the subject of the frauds under the pre-emption acts, which had been referred to, and moved the suspension of the rule in order to offer it.

Mr. REYNOLDS moved a general suspension of the rules in order to offer resolutions of inquiry; which was agreed to.

Mr. JOHNSON, of Louisiana, then submitted the following resolution:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of modifying the different acts of Congress granting pre emption rights to settlers on the public lands, so as to protect the rights of the settlers, and prevent fraud against the United States.

Mr. DAVIS made some remarks on the subject, and moved the following amendment to the resolution:

And also into the expediency of extending to the actual settler on all lands that have been in market for five years, which pre-emption privilege shall extend for four years from and after the 19th of June next.

Mr. MAY opposed the amendment.

Mr. HANNEGAN moved that the further consideration of the resolution and amendment be postponed till to-morrow.

Mr. HARRISON, as a member of the Committee on Public Lands, stated that the subject of the pre-emption laws was now before that committee.

After some remarks from Mr. WILLIAMS, of North Carolina,

Mr. HAMER moved that the resolution be laid on the table; which was rejected.

Mr. WILLIAMS, of North Carolina, moved the previous question; which was seconded by the House, 81 to 54.

The main question was then ordered, and the resolution was agreed to.

SEMINOLE HOSTILITIES.

Mr. WHITE, of Florida, moved to suspend the rules in order to proceed to the orders of the day. It was his purpose, he explained, to call up the bill making appropriations for repressing the hostilities of the Seminole Indians in Florida. He said very distressing news had been received this morning in regard to the progress of the Indians. They were now on their way to the seat of Government of Florida. The President was anxious to take immediate steps for checking them; and, in order to do so, it would be necessary to call upon the Governor of Georgia for a militia force.

The motion was agreed to, and the bill appropriating eighty thousand dollars for the repression of the hostilities of the Seminole Indians was read a third time, passed, and sent to the Senate for concurrence.

Mr. CONNOR moved that the rules of the House be suspended in order to submit a motion that when the House adjourn, it adjourn to meet on Monday next.

The motion was agreed to: Yeas 99, nays 38.

Mr. CONNOR moved that when the House adjourn, it adjourn to meet on Monday next.

Mr. WHITTLESEY moved to amend the motion by striking out Monday and inserting Saturday, and thereupon asked the yeas and nays; which were refused.

The question was taken on the motion, and determined in the negative.

Mr. WEBSTER asked the yeas and nays on the original motion, and they were refused.

The question being taken on the motion of Mr. CONNOR to adjourn to Monday, it was agreed to.

The House then adjourned.

MONDAY, JANUARY 11.

UNITED STATES AND MEXICO.

Mr. J. Q. ADAMS had given notice, he said, that, on this day, he would make a proposition in reference to

some reported proceedings of the Government of Mexico. He had since called at the State Department, and had ascertained not only that the Government had received no official information on the subject of the articles published in the newspapers, but that those articles were, probably, without any foundation in fact. He had therefore no proposition to make at present. He, however, had seen two articles, which exhibited our relations in such a state as to make it necessary both for Congress and the Executive to keep a watchful eye to that quarter. The one was, that eleven citizens of the United States had been taken by the Mexican forces, and shot by order of a court martial. The other was a remonstrance from the Secretary of Foreign Affairs of Mexico to this Government, in relation to the interference of American citizens in the affairs of Texas. He could not say whether the remonstrance was a genuine paper, but, if it was, he presumed a communication would be sent to the House on the subject at a proper time.

Mr. GIDEON LEE inquired whether the Committee of Ways and Means was ready to call up the bills making appropriations for the army and navy and fortifications. He thought it highly important that those bills should be brought speedily before the House. The bill for the relief of the sufferers by the late fire in New York would not, he hoped, be separated from those bills, and that all of them would be acted on without delay. He had risen to ask the committee when they would be ready to call up these several bills.

Mr. CAMBRELENG stated, in reply, that he was instructed by the Committee of Ways and Means to call up for consideration the army and navy bills at one o'clock to-morrow. They would be called up to-day, but another communication in reference to them was expected this day from one of the Departments. In respect to the bill for the relief of the sufferers by the fire in New York, it was his intention to call it up to-day, after the presentation of petitions.

Mr. LEE said he was perfectly satisfied. His only object was to call the attention of the House to matters of infinitely more importance, as he considered, than any other before it.

MICHIGAN.

The House proceeded to consider the motion of Mr. HANNEGAN to reject the memorial of the Senate and House of Representatives of the State of Michigan, in relation to the boundary disputed between Michigan and Ohio.

Mr. THOMSON, of Ohio, said that the memorial was of a harmless character, and, in courtesy to the individuals who sent it, ought to be received. He asked the gentleman from Indiana to withdraw his motion.

Mr. HANNEGAN declined the withdrawal of the motion; and insisted that, if one official act of Michigan, as a State, could be recognised, every act might be. To sanction the pretensions of Michigan would be to sanction a revolutionary movement of a strong and decided character. He went on at some length to advocate his motion.

Mr. BEARDSLEY said, when he presented this memorial, he did not suppose, he could not have supposed, that it would have elicited the debate which had occurred on its presentation. The memorial purported to be a memorial from the Senate and House of Representatives, or Legislature, of what was named in it as the State of Michigan. Now, an inquiry had been made, where was the State of Michigan? Mr. B. should not say that Michigan was rightfully a State; much less should he say that Michigan was one of the States of this Union; nor should he undertake to say, for to do so would be prejudging the question, that Michigan was in any sense a State. But they all knew from public report, and from documents presented to that House, what had been doing in the Territory of Michigan. They knew that the inhabitants of that Territory had convened in the form of a convention, for the purpose of organizing a State constitution; that they had agreed upon a State constitution, and had referred that constitution to the people of the Territory of Michigan for their adoption, and the people had adopted it. That constitution had been sent to that House, and referred to one of its committees to act upon, and advise the House of their opinion upon it. Now, all this was known to have occurred. The Territory of Michigan had thus assumed the form of a State, had proceeded to elect Senators to Congress, and had chosen a member to represent what was designated as the State of Michigan to that House. All this they knew, and still he should not say, for he ought not to say, that Michigan, in all or any part of its course, had acted according to the constitution, or in conformity with her rights. She had not, however, professed to act in hostility to this Union, but had been seeking, and was then seeking, either by right or wrong, to become a member of this confederacy. Thus seeking to become one of the States of this Union, it seemed to him that liberality and fair dealing, and a spirit of harmony and good will, should have induced them to receive a communication from what purported to be the Legislature of that State. His object was to send this memorial to the same committee to which the matter had already been referred, and not to invite discussion. He had presented it at the request of the gentleman who had been chosen to represent Michigan on that floor.

Mr. B. would not say one word whether Michigan was right or not, but he might be permitted to say this much: that those persons who had convened as the Legislature of Michigan, and sought to bring that State into the Union, were not acting in hostility, but in subordination to the Union, and that their memorial should be treated in a respectful manner, even if the House should not agree with their views. The motion then was not to receive that paper.

The CHAIR informed the gentleman that the motion was that the petition be rejected.

Mr. BEARDSLEY said, well, sir, the motions are identical. While he was up he wished to say a word or two upon the general proposition of rejecting petitions of this nature. Was it pretended that there was any thing offensive in this petition, any thing reflecting on the dignity and character of that House, or any member of it? It stood free from that difficulty, and the objection now taken to it was, that there was no such person known to that House as the Legislature of Michigan. Now, (said Mr. B.,) if these memorialists had misnamed themselves, but had chosen to address that House in a respectful manner, it did seem to him an objection against receiving their petition that was hardly a good one.

But on the general right of petition. How did that right stand in England, a country from which we derived some of our notions of liberty? In England, as they all very well knew, the legislative power was supposed to reside inherently in the Crown; by the Crown all laws were enacted, by and with the consent and advice of the two Houses of Parliament. Petitions, therefore, upon legislative subjects, were addressed to the Crown, and not to the Parliament. They all knew that, before the revolution of 1688, it was no uncommon exercise of the kingly prerogative for the Crown to repel petitioners, and even to imprison them for assuming the right to lay their grievances at the foot of the throne; but in the bill of rights of 1688, the subjects of Great Britain had taken care to guard this right to petition, and to guard it much more effectually than it was guarded here, if that House were to drive out petitions as they had been asked to do. As the British bill of rights was peculiar-

ly applicable at the present time, since so much new light was coming in upon us, he would beg leave to refer the House to a single clause of it. Mr. B. then read the clause setting forth that it was the right of the subject to petition the King, &c. Well, then, (said Mr. B.,) it was their right to petition, and the King was bound to hear them, and receive petitions, whether he chose to grant the prayer of them or not. This was the right of Englishmen. Now, what were the rights of citizens of the United States? If honorable gentlemen would take the trouble to look into their own State constitutions, they would find, without, he believed, any exception, that this right of petition was most sacredly and carefully guarded in each and all of these constitutions. The idea of driving petitioners out of doors had never before been heard of. It was a new invention of the present day, which no one ever dreamed of before, except under the arbitrary Crowns of England, before the revolution of 1688; certainly never heard of in this country before the present session. It was true that the constitution of the United States contained no bill of rights when first adopted, but an amendment of it contained a similar provision to the one he had read from the English bill of rights. It would be recollected that when that constitution was submitted to the Virginia convention for adoption, one of the objections on the part of Virginia was, that it contained no bill of rights; and that convention recommended to the people of the several States the adoption of certain clauses specifying what were the rights of citizens of the United States, and one of those very clauses was this amendment: "That the people had the right peaceably to assemble together to consult for the common good, and instruct their representatives; and that every freeman had the right to petition the Legislature for a redress of grievances." Virginia recommended the incorporation of this clause into the constitution of the United States, and it was substantially the same with the English bill of rights. Petitions, on all matters, whether grievances or not, if the people held them to be so, they had the right to present, and had the right to assemble together, and to instruct their representatives. But, in these latter days, when the right of instruction, if not in theory disregarded, was, in practice, treated with contempt, it might not be a matter of any surprise that gentlemen should be disposed to treat with as little ceremony the right to petition.

Mr. B. said clauses of this kind were in all the State constitutions, and essentially the same in the constitution of the United States; the principle was in conformity with the notions of liberty acted up to in England, and with what was the declared will of the people of Virginia. He thought the House should receive all petitions from citizens of the country, which were respectful in their terms, and not reflecting upon the body, or some of its members. This was his unqualified opinion. It was not because the prayer of a petition might be deemed unconstitutional, that the petition should be rejected, or the petitioners treated with contempt. Many held it unconstitutional for Congress to make appropriations for objects of internal improvement, yet others believed the General Government possessed the power. But who ever heard of rejecting a petition which pointed to some local improvement? Who ever heard of rejecting such petition, from any quarter of that House, and driving them out of doors, because the petitioners asked for an appropriation for an object some gentlemen believed to be unconstitutional? A large proportion of the members of that House believed a Bank of the United States to be unconstitutional; but had they not received, year after year, petition after petition for a Bank of the United States; and had these gentlemen, who believed the object unconstitutional, ever dreamed of rejecting those petitions? Another mischievous question had been brought there, and he had done in that case, as he had in this, what he conceived to be right. He repeated, that the House was, in his opinion, bound to receive every petition from citizens of the United States, when they were couched in respectful and proper terms.

With regard to the memorial then under consideration, Mr. B. said if they conceived that Michigan was an inchoate State, and that the citizens of that Territory had chosen to denominate themselves the Legislature of Michigan, surely there was nothing offensive in that. He did trust that, unless the new doctrine to which he had referred should prevail, the House would receive this paper, order its reference and printing, so that, if any thing contained in it could throw any light upon the subject, the committee and the House might have the benefit of it. Whether it contained any or not, he did not know; he had read but a small part of it; but as it was a paper emanating from citizens of Michigan, he could see no reason for refusing to refer it.

Mr. BOND said he felt constrained to address the House for a few moments, and give the reasons which would induce him to vote for the rejection of the petition. I differ, sir, and I regret it, from my worthy colleague, [Mr. THOMSON,] in the request which he made for the withdrawal of the motion now under consideration; thus leaving the petition, as a supposed harmless affair, to be referred *sub silentio;* and if my colleague had read the petition, I doubt if he would have made the request.

But, in the few remarks which I now have the honor to submit, I utterly disclaim all idea of disrespect towards the petitioners, or the people of Michigan. I cherish no unkind feelings towards them, collectively or individually; so also, sir, I must premise, that no gentleman on this floor entertains a higher sense of regard for the right of petition than I do—it is a constitutional and solemn right, and no one will go farther to maintain it than I will, as it is guarantied by that sacred compact. But we must be guarded, Mr. Speaker, lest, in our zeal for this great privilege, we trench on the constitution itself. Sir, this right of petition is sacred; but to whom does it belong? Has any and every person, State or sovereignty, at home or abroad, whether owing us allegiance or not, this right? I humbly think not, sir. The citizens of any of our States or Territories may petition; and if their petitions are decorous and respectful towards the House, when offered, it is our bounden duty to receive them. The same may be said of all the institutions or corporations, created and recognised by our laws. As they are bound to obey, so they are entitled to all the rights and privileges of our constitution and laws; and, among these, that of petition is perhaps the most sacred. I would strive to be the last to abridge this right.

But, sir, who are the petitioners named in this memorial, and from whom does it purport to come? Are they known to this House, or to the constitution and laws of the country? I answer, no. This petition expressly purports to be from the Senate and House of Representatives of the State of Michigan. When, where, and by whom was this State, and this Senate and House of Representatives, created and authorized? If, indeed, Michigan be a State, and have these appendages of sovereignty, she is at this time unknown as such to our constitution and laws, and must be a foreign State. As such, the right of petitioning Congress does not belong to her.

But if it is claimed, as it seems to be, that she is one of the United States, I call for the authority under which she became such. In former instances of States being admitted into our Union, some ceremony, some legislation, some important primitive measures, were found not only expedient, but absolutely necessary and

prerequisite, on the part of the elder sisters. I will name a law for taking a census, to test the true number of the population; another, regulating the elective franchise; the bounds of the Territory to be embraced within the new State; and, in fine, all needful provisions to the regular accomplishment of such a great and important change.

All or many of these measures have heretofore been found indispensable for the admission of new States, and I can see no reason, founded on expediency or law, for creating a new rule in the present instance. Have any of these measures preceded the formation of the constitution of Michigan, under which a Senate and House of Representatives now claim to act? Not one, that I am aware of. And yet, sir, it is but a short time since they were deemed necessary by the proper authorities of that Territory and her own people, as may be seen on a reference to some of the former journals of this House. But because Congress would not, or, from the pressure of business, could not, comply with the wish then expressed, it would seem that Michigan becomes impatient, and assumes that she has all these rights, without the intervention of any other power! Gentlemen are of course at liberty to adapt their opinions to any emergency, but I, for one, am not prepared to admit this new position. In taking this stand, I hope I need not say that the pending conflict of boundary, in which Ohio is interested, has no connexion with my feelings or opinions on the subject. I act from higher and more important motives—from considerations which, in my judgment, seriously involve the constitution and laws of the land.

I would not, if I could, unnecessarily retard the admission of Michigan into the Union; but I am unwilling, even with the new lustre and strength which she would give to that chain, to prostrate any of our great and long-established landmarks to attain that end.

In opposing the present reference of this petition, I do not necessarily deprive the parties of the right of petition, nor of any of the benefits which it asks. The citizens and legally constituted authorities of Michigan have that right in its most comprehensive sense, and I seek not to restrain or limit it except as the constitution and our usages require. Let them approach as citizens, or in some other known, legal, and admitted capacity or right, and we are bound to hear them. But we cannot, and, for the sake of order and a due administration of our Government, ought not to receive their petitions, when sent in a capacity as yet unknown to our laws, and tending, by indirection, to accomplish that which, if openly avowed, would not be admitted. That Territory has a Delegate on this floor, and we know that she has other citizens and agents here for the express purpose of urging all her pretensions. Why not, then, leave it for these gentlemen to adopt this memorial, and send it to us in their own names, and thereby take from it the objectionable character? This would secure to the Territory the benefit of every legitimate purpose of such a paper. Mr. Speaker, this may seem, at first view, to be a small matter, but I think that more portentous consequences may follow it than some gentlemen seem to be aware of. What arguments or influence may hereafter be drawn from the admission and reference of this memorial, purporting, as it does, to come from a sovereign State unknown to our laws, it is not for me to conjecture. But I know, sir, precedents are dangerous as well as wholesome things. We should be circumspect when entering on a case somewhat, if not wholly, new in its character, and which may produce or afford a precedent fraught with dangerous consequences. Harmless and innocent as this matter is thought by some to be, we well know how prone we all are to avail ourselves of precedents which aid us in favorite measures; and this House may, and probably will, have this case placed on their journal for future reference, when there will be more occasion, but greater difficulty, to escape from it. Why should we run any risk? Nothing will be lost to the petitioners if the memorial be rejected on the ground stated by me. All its benefits are placed within their reach, and it is not imposing any unreasonable duty to require parties to come by petition in some capacity or right known to our laws. I never deem it expedient to attain a good end by wrong means.

The gentleman from New York, [Mr. BEARDSLEY,] by way of illustrating the propriety of our receiving this memorial, informs us that all the subjects of the English Crown have the right of petition, and has also referred to the constitution of the United States, and of the States ganerally, to prove the great extent of this right in this country. Now, sir, I do not deny this right in any of the instances the gentleman has referred to. The citizens of the United States, and of all our Territories, have the undoubted right of petition, and we are bound to give them a respectful and impartial consideration. The people of England claim and have the right of petitioning their King. This right of petitioning among us, too, is still more sacred; but to whom is it secured? Does it belong to a foreign State or people? No; but to all of our own people, without distinction, whether citizens of States or Territories, and to all the States and Territories of the Union, when preferred in some name or right recognised and bound by our laws.

The gentleman from Yew York has also, for the same purpose, referred to the several petitions presented to Congrsss by the Bank of the United States for a renewal of its charter, and says these petitions were received and referred, although many members of the House entertained the opinion that this institution was unconstitutional. I do not think this an apt illustration. The Bank of the United States claimed its existence under an act of Congress, duly passed and approved as the constitution directs, and afterwards solemnly adjudicated on by the Supreme Court of the United States. Twice had such as institution been created by law, and more than twice had our Supreme Court deliberately and solemnly adjudged such law to be constitutional. It is certainly for the peace and interest of our country that these great questions should, after such a lapse of time and passing such ordeals, be considered as settled. But, after such repeated action by Congress and the Supreme Court, the gentleman surely will not contend for the new doctrine that, because he does not so understand the constitution, the petitions of the bank might be treated as from a source unknown to our laws. Sir, when the gentleman from New York shall present to us a petition from the State of Michigan, and be able to direct our attention to an act of Congress authorizing such a State, or even when he shall, without such an act, show us a solemn decision of the Supreme Court, holding such State to have been formed in accordance with the constitution and the general laws of the Union, I shall be ready to receive such petition. But, unless the most important and needful of these primitive measures are complied with, I cannot consent to recognise the right of Michigan to petition in the name of a sovereign State. Until Congress pass a law authorizing such a State, I trust that the House will take care lest they vote to establish so alarming a precedent as the one now proposed.

Mr. KENNON said it would be found, by reference to the memorial, that the memorialists did not assume to be a State, but declared their object to be to become a State. He asked for the reading of the prayer of the petition, and it was read. The memorial, Mr. K. continued, did not represent Michigan as a State. Why, then, should it be rejected? Upon bare technicalities

it was proposed to reject it. For his own part, so far as Ohio, and Indiana, and Illinois, were concerned, he thought too much sensitiveness had been manifested on this subject. He had never felt much excitement in regard to it. He expected that Ohio would have her rights; and, when the question came up for consideration, he should express his opinion in regard to her claims. But he did not see that any thing could be gained by the rejection of this memorial.

Mr. LANE said it was true that no such State as Michigan did exist. It was also true that the citizens of Michigan have a right to petition Congress, and that Congress ought to receive their petitions. It was, however, his intention, if an opportunity offered, to submit a motion to obviate the difficulty; which motion was, that the petition be received and referred as from the people of the Territory of Michigan.

Mr. PINCKNEY desired to explain the reasons which would govern his vote. He wished it to be distinctly understood that they had no reference whatever to the boundary controversy. Upon that question he was entirely uncommitted, and open to conviction. A good deal had been said respecting the right of the people to petition. No one had a more profound respect than himself for the citizens of Michigan, or held in greater veneration than he did the right of the people to memorialize the Government. No one, therefore, could be more willing to receive the memorial, if it could be done consistently with the constitution. But how could such a memorial as that be received by the House? What did it purport on its face to be? Why, it was entitled a memorial from the Senate and House of Representatives of the State of Michigan. Was there any such Legislature known to the House? Has any such State been admitted into the Union? Clearly and unquestionably not. How, then, could a legislative document be received from a political body utterly unknown to the constitution and laws, and not only unknown, but that actually has no existence—a political nonentity? It appeared to him that the application was preposterous. Either Michigan is a Territory, or she is a State. She cannot be both. If she is a State, how is it that she is represented on this floor by a territorial Delegate? If she is a Territory, how can she address this House in the tone and attitude of an independent State? But, though these two characters were utterly incompatible, Mr. P. said he would not hesitate to receive the memorial, were it not that it might be attended with serious consequences. Michigan claimed admission to the Union, and she also claimed a disputed territory. If this memorial should be received, would it not virtually prejudge those questions? Would it not be tantamount to a recognition of her claim to sovereignty? Would it not authorize her to throw off her Territorial Government, to set at naught the laws of the Union and the authority of Congress, and to go on acting in her alleged capacity as a sovereign State? Whatever others might think, he could not vote to receive the memorial, seeing the tendency it had, not only to justify Michigan in forming a constitution without the assent of Congress, but to authorize her to act as a State, and to abrogate all federal supremacy within her limits. Mr. P. repeated that he had nothing to do with the boundary dispute in making these remarks. His vote was governed entirely by the fact that Michigan is a Territory, and not a State; and that the House could not properly receive a communication from her, in the capacity of a State, until she shall be regularly admitted into the confederacy by an act of Congress.

Mr. THOMSON, of Ohio, said that, from the remarks which had been made by the gentleman from Indiana, [Mr. HANNEGAN,] as well as the remarks of his colleague, [Mr. BOND,] who had just resumed his seat, he thought it necessary for him to make a short explanation to the House, as well as to his constituents, lest he might be misunderstood by either as to the motives which governed him in making the request of the gentleman from Indiana he had made. In order, therefore, that he should not be considered as yielding any of the rights of Ohio, Indiana, or Illinois, to all the territory which they claim, he would preface the few remarks he intended to make on the motion to reject the petition, by stating, both to the House and to the people of those States, that, as to their right to all the territory which they claim, he had not the shadow of a doubt, and those rights he would never yield, but would ever maintain while there was the slightest hope of obtaining them; but hoped that, when they contended for their rights, they would be regulated in their struggle by the constitution and laws.

Mr. T. said that when the motion was first made by the gentleman from Indiana to reject the petition, he thought at the moment it was right and proper, and that he should vote for it, because it purported to be from the Senate and House of Representatives of the State of Michigan; but when he thought more maturely on the subject, and considered of the right of petition secured by the constitution to the people of this country, and that a vote to reject the petition now presented to this House might be an infringement of that sacred instrument, he had some misgivings and some doubts as to the propriety of giving such a vote, and finally came to the conclusion that it would absolutely be lunacy to give it; and this was the main reason why he had requested the gentleman from Indiana to withdraw his motion to reject, that he (Mr. T.) and the House might be relieved from the necessity of voting to reject a petition; for he never had, and, so long as he might be honored with a seat on that floor, he never would, vote to reject a petition, no matter from whence it came, or from whom it came—whether it was from the humblest individual that treads your soil, Mr. Speaker, or from the highest in authority in the land; but, having received the petition, and attended to its prayer, I would afterwards consider of the expediency, propriety, and constitutionality, of granting that prayer.

Mr. T. said he had heard much said in this House about its dignity, and our dignity as its members, and that petitions ought to be in respectful language; but he would ask, if we have any dignity, where did we acquire it? from whom did we derive it? Was it not from the people who sent us here as their servants? And shall we now turn round to them and say, we are no longer your servants—we have become your lords, and you must come to us with your hats under your arms when you approach our dignity. Sir, this is not my doctrine, this is not my creed.

We have been taunted by the gentleman from Massachusetts, [Mr. ADAMS,] and others who advocated the claims of the Territory, with our great numbers and power on this floor, compared with poor little Michigan; then why, in this preliminary step of the presentation of a petition, attack her?

No, sir, let her be heard; yes, let her have a fair, a full hearing, not only through a petition from her citizens, by a petition from her Legislative Council, and even by a petition from what she regards as a Senate and House of Representatives, that she and her advocates, on this floor or elsewhere, may have no reason to complain; for I have no fear as to the result of a thorough investigation of this matter, so far as Ohio is concerned; for I am perfectly satisfied the more the subject of boundary between Ohio and Michigan shall be scrutinized and examined, the more apparent will be the right of that State to the territory she claims.

Mr. KINNARD said that he would be happy to have

it in his power to pursue that course, with regard to the question before the House, which might be generous to the people of Michigan, and at the same time just to the State which he in part represented. From all the deliberation which he had given to the subject, he felt it his duty to sustain the motion of his colleague, and regretted that it was a case in which his feelings of respect for the people of Michigan, and his sense of justice to his own State, were in collision.

The gentleman from New York [Mr. BEARDSLEY] has been careful to impress the House with the opinion that all the merits of the claims of Michigan, and of the controversy which she seeks with her neighbors, are already known to the House. What, then, is intended by the introduction of this paper? It cannot be for the purpose of shedding new light on the subject in general, for the gentleman says we know all about it. Believing, as he did, that Michigan intends, by the introduction of this paper, to gain a point in her case, and, after its reception, and the consequent reference to the committee, that she will contend that a virtual recognition is given, not only that she is constitutionally and legally a State of the Union, but that she is a State with the limits and boundaries to which she is clearly not entitled—boundaries which Congress cannot sanction. We are thus required to acknowledge that Michigan is a free, sovereign, and independent State. The completest evidence on record of such an admission on our part would be to receive her legislative enactments as such State, and to accredit them according to her wishes. If this were not the point intended, if it were not thus designed to prejudge favorably the question as to the admission of the State into the Union, with her present extraordinary demands, the most unexceptionable means of making herself heard would have been adopted. In all probability, the Territory, not the State, as in other instances, would have petitioned through the proper medium, her Delegate on this floor. If this paper had been thus presented, he would consider the object of its introduction far less questionable, and the effect less injurious.

Mr. K. professed himself as much attached to the interests of Michigan, and to her legitimate demands, when properly presented, as the gentleman from New York, but was surprised that the honorable gentleman had not manifested quite as much regard for the interests of Indiana as for those of the Territory.

Mr. K. considered the introduction of the paper at this time, and in its present shape, as peculiarly unfortunate and inexpedient. He hoped the House would reflect upon the deep anxiety and excitement which would be produced in a portion of the West, if the doctrine is to be openly and deliberately avowed in this House that Michigan is a State—a State entitled to embrace within her limits a large portion of Indiana. For one, he was prepared to say that the State of Indiana would, under all circumstances, adhere to her own constitution—to the soil within her just and constitutional limits. This duty and right on her part, and the want of constitutional power on the part of Congress, or any State, to coerce her from her position, were so clearly self-evident, that he would not enter into the discussion of those points.

Mr. K. said he felt as ardent an attachment to the right of petition as any other member. He would not surrender, in behalf of his own constituents, its fair and constitutional exercise; and he would not vote to deny the same sacred privilege to any portion of the American people. But, in behalf of his constituents, he claimed the authority to distinguish between the petitions of the people of the Territory of Michigan, and the illegal, unconstitutional demands of the self-styled Senate and House of Representatives of Michigan, particularly, as in the present case, when those demands are not only in contempt of the authority of the Union, in derogation of the independence and vested rights of the State of Indiana, but altogether mischievous and inexpedient.

Mr. K. said the rule of comity or courtesy, which was principally relied on by the gentleman from New York, [Mr. BEARDSLEY,] did not seem to apply to the question. If that argument justifies the introduction of this paper, and consequently its reference to the committee, and the action of the House upon it, there was no extent to which the House might not go. If, through comity, according to the argument of the honorable gentleman, we must admit these illegal and unconstitutional demands from a self-existent, legislative power, unknown to the House, claiming what Congress has never conceded, in the next place we shall be called upon to admit the member who is waiting at your door; that accomplished, the admission of the State would follow. He denied the constitutional power of Congress to admit a State into the Union, proposing to dismember a State already formed; and he thought it very extraordinary that the House was disposed to entertain such a question.

Mr. K. desired the House to observe that the paper to which the question refers alleges a fact which has no existence. It purports to come from a State embracing certain limits. Those limits embrace a portion of the people of Indiana; and the inference is intended to follow, that those people were represented in the General Assembly of Michigan, and had an agency in sending this obnoxious paper, which he took occasion to deny.

Mr. SPANGLER regretted that his indisposition prevented him from doing that full justice to the subject he should otherwise have felt it his duty to have done. He had listened attentively to the remarks of the honorable member from New York, [Mr. BEARDSLEY,] and would neither yield to him, nor to any other gentleman, in his support of the abstract doctrine of the sacred right of petition. He had no idea that the people were to come to this House with their hats under their arms; for, in this country, sovereignty resides entirely in the people, and public agents are but the servants of the people. Mr. S. said there were three classes of petitioners, all of whom are unquestionably entitled to memorialize this House; and he would have no objection to receive this paper, if it came within the description of either class. The first class consisted of private American citizens, praying for individual relief, whose applications we are in the daily habit of receiving. The second consisted of private or public corporations, such as banks, insurance and railroad companies, and incorporated towns or cities. The third consisted of the States of this Union, in their separate and independent capacity of States. This memorial did not come before us either from individuals or corporations, nor even from Michigan as a Territory of the Government; but it came from her in the assumed and unauthorized character of a State. He could not recognise her, and he did not know her, in that capacity. He had often read the names of all the States, but had never seen hers included in the catalogue. When or where did she become a State? Allusion had been made to the case of Tennessee. He saw no analogy between the cases. Tennessee never acted as a State, or approached this House in that character, until she had been formally admitted into the Union. But Michigan, without any federal authority, has formed a State constitution, and organized a State Government, and now addresses us in a sovereign capacity. He could not recognise her right to do so. Mr. S. made some further remarks, to show that there was no analogy between the case of Tennessee and that of Michigan. He did not regard the vote upon this question as of any importance, in relation to the question of disputed territory. It had nothing to do with that question; and he had no apprehension that any gentleman could feel himself committed on that question

by any vote he might give upon this. That matter stood upon its own merits, and would be decided accordingly.

Mr. HOLSEY had, he said, bestowed some reflection on this subject, and, entertaining a desire to preserve the good faith of the Government in its constitutional compacts, he had risen to oppose the motion of the gentleman from Indiana. The rights of Michigan were based upon the ordinance of 1787, which would be found to contain the offensive word "State," which was made the ground of the motion to reject. That ordinance declares that there "shall be formed in the said Territory not less than three nor more than five States;" and the boundaries of these States are then described. It gives Congress the authority to form one or two States in that part of said Territory lying north of an east and west line drawn through the southerly bend of Lake Michigan; and it provides that, "whenever any of the said States shall have sixty thousand free inhabitants therein, such States shall be admitted" into the Union. This was the language of the ordinance, which, if any faith was to be kept by the Government, was decisive in favor of the rights of Michigan. There was another aspect in which this subject might be viewed. By the terms of the compact, the States were to be admitted when they contained sixty thousand free inhabitants. Was it a fact that Michigan had the required number of inhabitants? If she had, she was entitled to be admitted into the Union. The petitioners, he thought, could come into this House with strong claims of right, based on a solemn compact, which, as had been said in this House, was unalterable by any law, human or divine. The petitioners were at least entitled to be heard with respect, and he hoped the whole matter would be committed to the Committee on the Judiciary.

Mr. McCARTY, for the purpose of giving an opportunity to members to present memorials, petitions, &c., moved a postponement of the question until to-morrow week.

The motion was lost: Ayes 67, noes 72.

Mr. BEARDSLEY begged leave to say a word or two in explanation. In reply to the question put from one of the gentlemen from Indiana, [Mr. KINNARD,] how it happened that this petition had not been presented by the Delegate from Michigan, instead of being presented by himself, the reason was, as Mr. B. had been told since the question was put, that the Delegate was not in the city at the time, and hence it was handed to Mr. B. for presentation. This was the only reason, as far as he knew, for the paper being handed to him.

Mr. B. wished to make a remark upon an objection urged by the gentleman from South Carolina, [Mr. PINCKNEY.] That gentleman said that Michigan, which was only a Territory, had, in this paper, assumed to be a State. Hence he drew the inference that it would be unconstitutional to receive this petition, or give it any sort of countenance, and hence he would vote it out of doors. Now, sir, said Mr. B., we have before heard of instances of attempts to nullify, in order to get out of the Union; but this seems to be an effort to nullify, in order to get into the Union! Michigan, as I understand the gentleman, is now attempting to violate the laws of the United States—in other words, to nullify them—in order to become a member of the Union. Mr. B. said that he did not so understand the memorial; for it urged that Congress should acquiesce, and receive Michigan as a sister State. But the argument of the gentleman himself was, that this movement by Michigan was in derogation of the laws of the Union. This, upon the argument of the gentleman, was the first instance of an effort by a Territory to break into the Union, although they all knew that efforts had been heretofore made to break out of it!

Mr. B. made some further remarks, to show that the case of Tennessee was analogous to the present one, except in reference to the boundary question; and said the mere receiving and referring the memorial under consideration in no way committed the House, or any member who so voted.

Mr. HARDIN did not want to see any State come into this Union by a violation of the territorial law. Now, if Congress recognised Michigan as a State, what then? Why, the power of Congress over this subject ceased; it became a dead letter, and the national Legislature would be prevented from settling the question of boundary existing between Michigan and Ohio. If the people of Michigan memorialized that House—nay, if the Territorial Government of Michigan were to do so—then he would freely concede that their memorial should be received. But, on the contrary, if the House of Representatives were memorialized by Michigan, calling itself a State Government, he would say to the memorialists, "I know you not; I cannot recognise your title, nor can I recognise your claim." Mr. H., after some remarks in relation to the boundary question, expressed his hope that the question would be postponed until the committee who have in charge all the documents relative to the claim of Michigan to be admitted into the Union report on the subject.

Mr. STORER, of Ohio, said that when the petition before the House was presented, he distinctly understood that it came from the Legislative Council of the Territory of Michigan; and, if that was the case, he had no objection to its reference. But, sir, some misgivings as to the fact induced my colleague to ask that the memorial should be read, when it was discovered, for the first time, that the State of Michigan, as a member of the confederacy, and in her sovereign capacity, appealed to this House, not to ask admission into the Union, but to argue the question of the northern boundary of Ohio.

Sir, I should have been satisfied with the amendment offered by the gentleman from Indiana, [Mr. LANE;] and with his modification, I should vote that the petition be received; but as I am admonished that the motion to reject will not be withdrawn, I shall vote to sustain the original motion. I, sir, will not yield to any gentleman on this floor in my respect for the right of petition, when the claim is made in a constitutional manner, and no point of State sovereignty is involved; but I shall always feel it to be my duty to resist every attempt, no matter in what manner or under what circumstances it may be made, to assert a right which does not exist, and is not sanctioned by the letter or the spirit of the constitution. The distinction between the right assumed by the State of Michigan, and that secured to the citizen, has already been so ably and clearly stated by the gentlemen who have preceded me, that I shall not further discuss it. I shall confine my remarks to what has fallen from the gentleman from New York, [Mr. BEARDSLEY,] and the gentleman from Georgia, [Mr. HOLSEY.]

I was surprised, sir, to hear the chairman of the Committee on the Judiciary, to whom had been referred the whole subject involved in this memorial, express his opinion so decidedly as to the propriety of admitting Michigan into the Union, without the previous action of Congress.

[Here Mr. BEARDSLEY rose to explain, and stated his remarks were intended to apply to the abstract right of Michigan to claim admission as a State, disconnected from the boundary question.]

Sir, I did not misunderstand the honorable gentleman. His opinion is clear that the State of Michigan ought to compose a part of this Union; and he has referred to the proceedings in Congress in 1796, on the application of Tennessee to be admitted as a State.

With great deference to the superior experience and research of that gentleman, I must, sir, insist that the case of Tennessee is not analogous. I have attentively examined the journals of the Senate, and find that the claim of Tennessee was resisted with great pertinacity. One of the ablest reports, from one of the most able committees of that body, furnishes, to my apprehension, an irresistible argument against the assumption of Michigan. This report was discussed at great length, and the principle it involved, though modified, was not denied on the final vote. And, sir, even that modification was passed by a majority of one only, in consequence of the absence of Mr. King, who had been appointed minister to England. Now, sir, I ask the honorable chairman, if such a doubtful precedent, on so momentous a subject as is involved is this day's discussion, should be regarded as worthy of solemn consideration. I appeal to him as a legal man, if the decision of the court of errors of his own State, which has truly been said to be sometimes a literal court of error, where the point has been determined by a bare majority, are ever relied on as safe and satisfactory. I think, sir, I can anticipate his answer. But, unfortunately for the value of the precedent, let me tell the gentleman, it has never been adhered to in any subsequent legislation, where Territories have applied for admission.

Ohio, Indiana, Illinois, Mississippi, and Alabama, whose rights depended upon the same principle as that which is contained in the ordinance of 1787, disregarded the example of Tennessee, and applied to Congress for its previous action, in the passage of a law to authorize a convention, preparatory to their final admission. It may be said that, so far as Ohio, Illinois, and Mississippi, were concerned, they were admitted before the Territories out of which they were taken numbered a population of sixty thousand; and so far there is some plausibility in the idea that the precedent is analogous; but, sir, in the case of Indiana the same question was directly involved as that which must be discussed whenever a bill is reported for the admission of Michigan. I have examined the files in the office of the Clerk of this House, and have found the original memorial of the Legislative Council of Indiana; and I find, sir, that more than sixty thousand people were residents of that Territory when Congress was invoked to admit her as a State. I find, also, that no pretence is set up of an abstract right for admission into the Union, on the ground that her population was sufficient to authorize it. In that memorial I also find, sir, that the petitioners applied for the action of Congress, conceiving, as they very properly expressed themselves, that no mode was designated in the ordinance of 1787, by which their preparatory course should be governed. This petition was referred at once; a bill was reported, authorizing a convention; the convention met, formed a constitution, and at the next session of Congress the State was admitted. And such, sir, was the course of Alabama. So much, then, for the precedent of Tennessee; which, if it was available, had been many years in force when the States I have just referred to were admitted; and yet we find it was not then relied upon or referred to. Sir, Indiana was then, as she always has been, the modest yet firm and decided advocate of her own rights and the respect that is due to the confederacy.

Sir, the right of Michigan to become a State has been discussed at large on the question to reject; and I have been compelled to follow the gentleman from New York, though I had determined not to trouble the House until he had entered into the debate, and opened the whole field.

Before I sit down, sir, I will reply to the gentleman from Georgia. He, sir, has referred to the ordinance of 1787, and emphatically insists that the right of Michigan to be admitted into the Union is a matter of solemn compact. He points to the provisions of the section requiring Congress to organize not less than three nor more than five States in the Northwestern Territory.

Sir, I beg leave to except to his construction of that instrument. If he will examine its provisions carefully, he will find that three States were definitely marked out in the ordinance, the northern boundary of which was the territorial line between the United States and Canada. These States are organized; and it depends upon the discretion of Congress whether more States shall be organized within that Territory. The right is reserved, in the act erecting the Territory of Michigan, to annex all the country north of the boundary line of Ohio, Indiana, and Illinois, to those States, if hereafter it should be deemed expedient; and the jurisdiction of the General Government has been exercised in reference to that power.

The duty of organizing those States was unqualified; it, sir, was perfect; and it has been performed. There is now no legal obligation, on the part of Congress, to admit a new State in the Northwest; though I am satisfied, sir, it is our duty, and the public interest requires, that Michigan should be admitted whenever the proper steps have been taken. It is in vain, then, sir, to assume the right, as granted by this ordinance.

Sir, I feel that the debate has taken a wide range, and the general question has been prematurely discussed. I am satisfied that I have been compelled to be discursive: it is a necessary consequence of the great latitude allowed in debate.

It may be, sir, that I have discovered too much feeling in the earnest manner in which I have presented my remarks. The only apology I offer is the nature of the controversy in which the State I represent is engaged. Sir, we may be opposed by the North and the East, and a new State may be viewed with a more favorable eye than the elder members of the confederacy; but, sir, if we are left even in a hopeless minority, I trust we shall not be deterred, while we have the power and the occasion, from expressing our sentiments, and speaking out in no measured phrase on the great, the momentous interests that are involved in the present question.

[Mr. BEARDSLEY explained, and said that the gentleman [Mr. STORER] must have misunderstood him. He had expressly stated that, upon the boundary questions, and every thing connected with those questions, he gave no opinion; indeed, he had come to no result upon these questions. He hoped and expected that the gentleman would in this respect neither misapprehend nor misrepresent him, and he confidently believed he should not in this respect be mistaken.

The honorable gentleman from Kentucky [Mr. HARDIN] had thought proper to rebuke him for having expressed the opinion he had done; yet that honorable member had gone much further, and announced his own opinion upon the boundary question in all its aspects and bearings. This he had not done; he had only said that, independent of the boundary questions, the case of Tennessee was a precedent for the present application of Michigan. He, however, made no complaint that his colleague on the committee had made up a full opinion upon all matters; that was a matter for him alone to decide.]

Mr. STORER resumed. He did not mean to say that the gentleman had expressed an opinion on the boundary question. But he (Mr. S.) did say, that upon the isolated question, whether Michigan ought to be admitted—not taking into consideration the boundary controversy—there was no doubt. Mr. S. next adverted to the reception of Tennessee and Mississippi into the Union, and remarked that he could not admit that the course taken by Tennessee for admission into the Union

was at all analogous to the present case. He concluded by repeating his determination to vote for the rejection of the memorial.

Mr. DAVIS was as much in favor of the right of petition as any one could be; but, under the circumstannces connected with this memorial, he should vote against its reception. It was proper that he should tell his constituents that Michigan was claiming a part of the State of Indiana. The memorialists urged, in round and unequivocal terms, that they have a right to take a part of it. He would ask if there was a gentleman present who was willing to support them in that claim? He hoped not. If that House admitted the facts stated in the memorial, or admitted that a new State had a right to take a part of the lands within the boundary of an old State, they would be setting a dangerous precedent.

Mr. HAWES moved the previous question.

Mr. LANE hoped the gentleman would withdraw the motion for a moment.

Mr. HAWES said he would do so most willingly, but that at least fifty speeches were in a state of preparation on the subject.

The previous question was seconded: 76 to 59.

The House then determined that the main question should be now put.

Mr. HANNEGAN asked for the yeas and nays on the main question; which were ordered, and were as follows:

YEAS—Messrs. Chilton Allan, Heman Allen, Bond, Boon, Bunch, Bynum, John Calhoon, Carr, Carter, Casey, John Chambers, Chaney, Nathaniel H. Claiborne, Crane, Davis, Evans, Rice Garland, Graves, Griffin, Hamer, Hammond, Hannegan, Hardin, Harlan, Harper, Howell, Huntsman, Cave Johnson, Henry Johnson, Kilgore, Kinnard, Lane, Lay, Luke Lea, Lucas, Samson Mason, Maury, May, McCarty, McLene, Mercer, Milligan, Moore, Patterson, Pettigrew, Pinckney, Rencher, John Reynolds, Shields, Sloane, Spangler, Standefer, Storer, Waddy Thompson, Turner, Vinton, Washington, Webster, White, Whittlesey, Sherrod Williams, Wise—62.

NAYS—Messrs. Adams, Ash, Barton, Beale, Bean, Beardsley, Beaumont, Bockee, Borden, Bovee, Boyd, Briggs, Brown, Buchanan, William B. Calhoun, Cambreleng, George Chambers, Chapman, Chapin, John F. H. Claiborne, Clark, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushing, Cushman, Darlington, Denny, Doubleday, Dromgoole, Efner, Everett, Fairfield, Farlin, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Graham, Granger, Grantland, Grennell, Haley, Joseph Hall, Hiland Hall, Hard, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hazeltine, Henderson, Hiester, Hoar, Holsey, Hopkins, Howard, Hunt, Huntington, Ingham, William Jackson, Jabez Jackson, Janes, Joseph Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Klingensmith, Lansing, Laporte, Lawler, Lawrence, Gideon Lee, Joshua Lee, Leonard, Lincoln, Logan, Loyall, Lyon, Abijah Mann, Job Mann, John Y. Mason, William Mason, Moses Mason, McKay, McKennan, McKeon, McKim, Miller, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Franklin Pierce, Dutee J. Pearce, James A. Pearce, Phelps, Phillips, Potts, Reed, Joseph Reynolds, Ripley, Roane, Rogers, Russell, Seymour, Augustine H. Shepperd, Shinn, Smith, Sprague, Steele, Sutherland, Taliaferro, Taylor, John Thomson, Toucey, Towns, Turrill, Underwood, Vanderpoel, Wagener, Wardwell, Weeks, Lewis Williams—137.

So the motion to reject the petition was determined in the negative.

Mr. LANE moved to amend the motion to refer the petition to the Committee on the Judiciary, by adding that "it be considered as a memorial from the citizens of the Territory of Michigan." He was desirous that the petition should go to the committee in its true garb, and not in one which it had no right to assume.

Mr. HANNEGAN moved to amend the amendment, by adding the following: "This House, in receiving the memorial purporting to be from the Senate and House of Representatives of the State of Michigan, regard the same in no other light than as the voluntary act of private individuals, *who have, without authority, assumed a corporate capacity and name.*"

Mr. SLADE proposed to strike out the words of the amendment printed in italics.

Mr. HANNEGAN accepted the amendment, as a modification of his motion.

The question was then taken on the amendment of Mr. HANNEGAN, and decided in the affirmative, as follows:

YEAS—Messrs. Chilton Allan, Heman Allen, Bean, Bell, Bond, Buchanan, Bunch, John Calhoon, William B. Calhoun, Carr, Casey, George Chambers, John Chambers, Chaney, Childs, Nathaniel H. Claiborne, Coles, Corwin, Crane, Davis, Denny, Everett, Farlin, Forester, Philo C. Fuller, Galbraith, Rice Garland, Gillet, Granger, Grayson, Grennell, Griffin, Hiland Hall, Hamer, Hammond, Hannegan, Hardin, Harper, Samuel S. Harrison, Hazeltine, Hiester, Hopkins, Howell, Ingersoll, William Jackson, Janes, Jarvis, Joseph Johnson, Henry Johnson, Benjamin Jones, Kennon, Kilgore, Kinnard, Lane, Lawrence, Luke Lea, Lincoln, Lucas, Abijah Mann, Samson Mason, Maury, May, McCarty, McKennan, McLene, Mercer, Milligan, Morris, Parker, Patterson, Patton, James A. Pearce, Pettigrew, Peyton, Pinckney, Reed, Rencher, John Reynolds, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Slade, Sloane, Spangler, Standefer, Storer, Taliaferro, John Thomson, Underwood, Vinton, Washington, Webster, White, Whittlesey, Lewis Williams, Sherrod Williams, Wise—98.

NAYS—Messrs. Adams, Ash, Beale, Beardsley, Beaumont, Bockee, Borden, Boyd, Briggs, Brown, Chapman, Chapin, John F. H. Claiborne, Clark, Cleveland, Connor, Craig, Cushing, Cushman, Darlington, Doubleday, Dromgoole, Fairfield, French, Fry, William K. Fuller, James Garland, Glascock, Graham, Grantland, Haley, Joseph Hall, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Howard, Hubley, Hunt, Huntington, Huntsman, Ingham, Jabez Jackson, John W. Jones, Judson, Klingensmith, Lansing, Laporte, Lawler, Joshua Lee, Leonard, Logan, Loyall, Lyon, Job Mann, Manning, Martin, John Y. Mason, Moses Mason, McKay, McKeon, McKim, Miller, Montgomery, Morgan, Muhlenberg, Owens, Parks, Franklin Pierce, Dutee J. Pearce, Phelps, Phillips, Potts, Joseph Reynolds, Roane, Rogers, Russell, Smith, Speight, Sprague, Steele, Taylor, Towns, Turner, Turrill, Vanderpoel, Wagener, Wardwell—89.

So the amendment was agreed to, and the memorial was referred to the Committee on the Judiciary, and ordered to be printed.

INCREASE OF THE NAVY.

Mr. JARVIS moved the suspension of the rule, in order to enable the Committee on Naval Affairs to report and offer for consideration the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of increasing the naval force in commission.

The motion was agreed to.

Mr. CAMBRELENG said he did not rise to oppose the motion. He was glad that it had been offered. But he entertained the impression that an increase of the heads of appropriation in the bill reported from the Committee of Ways and Means would answer the purpose.

Mr. WISE rose, he said, to oppose this resolution. It was his duty to state that the Committee on Naval Af-

fairs had already determined that they would not, without a call from the Navy Department, increase or recommend the increase of the naval appropriations. The Committee on Naval Affairs would be called upon by the Navy Department for an increase of appropriations, should they be required. He had no idea that the committees of this House should be over zealous and over active in recommending and urging the increase of the appropriations. If there was any necessity for an increase, it ought to be made known by the executive Departments, and they should take the responsibility of recommending the measure. If the appropriations should not be found necessary, it would be said by the Departments, we did not recommend them to you. He believed that some of the Departments were anxious that this House should take the responsibility of measures at the present time.

Mr. JARVIS remarked that seven out of nine of the committee united in the recommendation of the resolution proposed. The gentleman from Virginia seemed to think that this House ought not to take any responsibility upon itself, but merely to act as the organ of the will of the Executive. He dissented from this doctrine. If we found the Executive going too fast, it was our duty to check him; and, if he was going too slow, to spur him on.

Mr. WISE put it, he said, to the honorable chairman to say whether he had called on the Secretary of the Navy to ask whether the additional appropriations contemplated in the resolution were required. If the gentleman would not answer, he would state that this call had been made upon the Department, and had not yet been answered. He (Mr. W.) would not take action on this subject until it was answered. However much he might seem to think that the House ought to be merely the organ of the Executive, he was, in fact, utterly opposed to such a doctrine. He did not wish to be the organ of the Executive, nor the tool of the Executive. When the Executive was afraid to call for money, he did not wish him to make tools of us to make the call for him. He wished to know why this resolution was introduced here in anticipation of any information on the subject. The gentleman had said that, when the President was too tardy, it was necessary to spur him up. General Jackson never needed a spur in his life, but some of the Departments needed it, with the rowels struck in very deeply. He wanted to know what danger was now in prospect for which preparation should be made. At the commencement of the session, the Secretary of the Navy proposed to fit out two new frigates and two sloops of war; a most ridiculous preparation, indeed, if it was intended to get into a war with France. If there was danger, the call upon us for appropriations should be made by the President himself—not in a whisper, but in a bold and direct way, in a message. He wanted the responsibility of the measures of preparation to rest where it belonged.

Mr. GLASCOCK said, if the gentleman would look at the resolution, he would see that it was not liable to the objections which he had urged against it. That there should be some action in reference to the increase of the naval force, was agreed by the committee. They had proposed this resolution, not from the idea that there existed any disposition on the part of the Departments to shrink from responsibility. But this House was not to be told that it could act only as the creature of the Executive. The House, as well as the Departments, must share in the responsibilities of public measures, and they should act in union. Perhaps the views of the Department would be made known to the House to-morrow. If we looked to the preparations made by a foreign nation, and which, it was evident, had reference to hostilities with us, we would not hesitate to adopt some means of defence, without waiting to hear from the Department or the President. He was not afraid to take the responsibility of making the proposed inquiry, without waiting for the opinion of the Executive. No injury could result from it, and he thought it highly proper to invest the committee with the power of making the inquiry.

Mr. HAMMOND, of South Carolina, said this was an extraordinary resolution, and the gentleman from Georgia [Mr. GLASCOCK] had supported it with most extraordinary arguments. He had said that, on the evidences around us, he was for the immediate action of this House. I understand him to be for putting the country in a state of hostile preparation upon this subject. To what evidences does the gentleman allude? Were they the paragraphs of foreign newspapers with which the country had been lately inundated? Did the gentleman call upon this House to legislate upon this kind of information? If, sir, we are to have a war, let the proposition come to us from the proper quarter, and let us not be smuggled into one by resolutions such as this, predicated on the idle rumors of the newspapers. Had a resolution been offered calling for information from the Executive, he would have voted for it cheerfully; but without that information he could not consent to act.

The question of war was a great question. It involved vast interests. It should not be entertained in any shape without all the information which the Executive could give, and then fully discussed and deliberately decided. For his part, he could see nothing that had happened to change materially the relations of this country with France since the opening of the session. The French Government have refused to pay the indemnity to Mr. Barton. It was not the first refusal. No man in this House, or in this country, could have expected its payment on his demand, under the circumstances. The President himself could not have looked for it when he instructed him to make the demand. Gentlemen spoke of the tardy movements of the Government, and that it required spurring. He hoped the House would not suffer itself to be booted and spurred, for the purpose of kicking this country into a war. There had been irritation enough already. The resolution was calculated to have that effect. There had been messages and correspondences, diplomatic and undiplomatic, sufficient for that purpose; and he hoped this House would be disposed to allay rather than increase the excitement. He saw no cause for war. He believed a war would be entirely unnecessary; and, were it not for the serious consequences it involved, he should say it would be utterly ridiculous in both parties. He looked upon this resolution as the commencement of a series of war measures. He should not therefore vote for it, nor would he at this time support any measure looking towards a war.

Mr. HAWES was deeply mortified, he said, at the speeches which he had heard. He believed it had been by such speeches as these that the country had been prevented from receiving redress, before this, from France. The nation, he believed, had been robbed of its rights by factious speeches and essays. Are we (said Mr. H.) to stand here making speeches, which will be hailed abroad as evidence that the country will not insist upon its rights, while the French are making hostile preparations against us? He cared not through what channel the proposition might come; he would support any measure for putting the country in a state of defence. It was evident that France was making hostile preparations; and even if she was not, what objection could there be to the proposed inquiry into the expediency of increasing our naval force? In what a situation would the constituents of the gentleman from Virginia stand, in case of a war? The whole seaboard of Virginia would be exposed to the enemy, unless we had a sufficient naval

force to defend it. As a member of this Congress, and as an American citizen, he hoped this proposition would be adopted.

Mr. McKEON would ask the indulgence of the House for a few moments. It was well known that he was not in the habit of intruding himself; and, but for the circumstances in which he found himself placed, he should have remained a silent observer of the discussion. The gentleman from Kentucky [Mr. HAWES] informed us that he was mortified to hear the language of the gentlemen from Virginia and South Carolina, [Messrs. WISE and HAMMOND,] who addressed the House in opposition to the resolution upon the table. He was not only mortified, but also astonished, at their arguments at such a period—at such a crisis as that in which we find the country now placed. Representing as he did, in part, a portion of the Union deeply interested in the question which now engrosses the public mind, he (Mr. McK.) could not but endeavor to give an impulse to an investigation which had for its object the defence of our seacoast and the protection of our commerce. Well might he be astonished to hear opposition to a measure of this nature, with regard to the increase of our naval force, when the rumor is abroad that we have a squadron approaching our very borders. When the noise is actually ringing in our ears of the armaments in hostile array, while every thing portends difficulty, and points out the propriety and necessity of preparation, we must pause and discuss the expediency of inquiry into the propriety of moving forward in a work which relates to the public defence. We must debate the question by whom the first step ought to be taken—on whom the responsibility ought to rest. For one, he was willing to assume the responsibility. Why, sir, said Mr. McK., I was sent here to take responsibility like that now under consideration. Every member of this House was bound to take the similar responsibility. We are bound to our constituents, to the country, by every tie which can unite us to the honor and safety of the country, not to hesitate. The present situation of our foreign affairs required the patriotism and action of every member of the Government. While around all was activity, we ought not to be passive. It was well known that the Executive, as the head of the Government, had been alive to the importance of this question. To the Executive the country, throughout the long and difficult negotiations to which gentlemen had alluded, looked with anxiety, and thus far the movements of his patriotic administration had received the grateful applause of the country. The Chief Magistrate had thrown into the whole question the powers of his mighty intellect; had called into action his wonderful foresight; and with sleepless vigilance had endeavored to obtain the rights of our citizens, and to maintain the dignity of the country. With an Executive identified as he is with the history of the most brilliant periods of the country, he had no fears but that in his hands the interest and character of our country would be entirely secure. While other branches of the Government were zealously engaged, must we hesitate to execute our portion of the task imposed upon us by the peculiar state of things? It did not become us, said Mr. McK., to hesitate about directing an inquiry into the expediency of putting the country into a state of preparation against aggression. It cannot result in producing trouble; it cannot throw us into difficulty. The resolution should have been adopted without a question; but, sir, it appears obstacles must be thrown in the way, impediments interposed before us, to operate upon our minds, and deter us from an attempt to overcome them. The gentleman from South Carolina [Mr. HAMMOND] threw out the suggestion that a war into which this country was about to be plunged, would be a ridiculous war, and fatal to the liberties of the country. Who talks of war? Who has sounded the tocsin which is to give the alarm throughout the country, to disturb the quiet of the land, and conjure up into timid minds the dire apparitions of desolation and destruction, the concomitants of a belligerant state? No one but the gentleman himself. If war must come, it was a question to be settled hereafter. That was not the question then under consideration, but merely whether it was expedient to inquire if the country should be put in a state of preparation. The inquiry may be necessary in other points totally separated from our present difficulties. The gentleman from South Carolina tells us we are to be driven into—spurred into—a war with France, which he, if it should happen, would term a ridiculous war. Sir, I deprecate as much as he does a state of hostility. I regret that he has used the term ridiculous. Much as I regret war, I prefer it to dishonorable peace. Ridiculous he may consider the war, if it must come; but there may be a peace which cannot be otherwise than degrading. With robberies committed years ago upon our unoffending citizens, and presenting in the acts a gross violation of the code of civilized nations; with years of patient negotiation; with a treaty solemnly ratified; added to all these injuries, the insult of demanding from the American people explanations (and those with a fleet before our harbors—with the rod hanging over our heads) which are incompatible with their self-respect and character as an independent people. If, under such circumstances, compelled to assume a hostile attitude, I, said Mr. McK., cannot consider that attitude ridiculous.

He regretted that this discussion had taken place. To our divided councils many of our difficulties may be attributed. They give confidence to those who deny us justice. It is time these divisions should be healed. He had hoped that, on an occasion like the present, but one feeling pervaded their body, as was certain but one feeling animated the entire people of the country. To refuse the inquiry would look like an indisposition on the part of the House to sustain the country. He could not believe that one would object to a course which was demanded by the exigency of the times, or that we should present, when the slightest speck was visible in the horizon portending the approaching storm, a divided people. On the question which had given rise to this debate, let us, whether it continues to retain its present aspect, or assume any other character, rally around the altar of our country, and be true to our motto; let us be, in fact, *E pluribus unum*. Let us be true to ourselves and to our own character, and present to the world but one front. Coming, as he before remarked, from a section of country, the lives and property of the citizens of which were most exposed, he (Mr. McK.) felt compelled to address those remarks to the House on this occasion, and ask the adoption of the resolution.

Mr. REED, of Massachusetts, observed that the chairman of the Committee on Naval Affairs [Mr. JARVIS] had stated that seven out of nine of the committee had instructed him to present the resolution he had just offered.

Being one of the committee, I beg to state to the House the part I have taken. The chairman, a few hours ago, handed me in my seat the resolution now under consideration, and asked me, as one of the committee, to give my consent that he should offer it to the House. After I had read it, I replied that I did not know that I had any objection. On further reflection, apprehending that the resolution might lead to an exciting debate, I called upon the chairman, and expressed my fear to him, and retracted my approbation of presenting it.

I feared it might lead to a debate which might be injurious to the country. I do not consider the resolu-

tion itself as one of great moment. I admit the importance of the subject. But the resolution does not instruct the committee; it is one of inquiry only. I consider the whole subject now before the Committee on Naval Affairs. They have power at any time, whether the resolution be adopted or not, to report a bill to increase or any way improve the navy, and of course the appropriation of money to carry those objects into effect. The subject of increasing and improving our naval force is one that deserves the deliberate consideration of the committee and of this House. Our commerce needs protection, and this is stated by the Executive in his message; and new difficulties may arise with Mexico, which may require a part of our navy in that quarter.

I regret that, upon a subject of inquiry merely, gentlemen should indulge themselves in debating upon the danger and probability of a war with France. I regret that the debate should assume a tone and manner calculated to produce mischief. It is calculated, unnecessarily and unjustly, to alarm the country. It seems to me we are precipitate. The debate is assuming a most unfavorable character. We are debating upon the all-important subject of peace and war with France. I hope and trust we shall have more light and knowledge upon this momentous subject, before we seriously debate it. The debate seems to me ill-judged and unadvised, and calculated to produce the evil which I am quite sure a great majority of this House and nation deprecate, and hope to avoid. I do not propose to engage in such; it is altogether premature. I beg the House to be calm and deliberate, and to avoid excitement, which may be injurious, but cannot be useful to the country.

Mr. MILLER asked for the yeas and nays on the question, and they were ordered.

Mr. EVERETT, of Vermont, said he should vote for the resolution. He could not disregard the signs of the times; he thought it high time that the country should prepare for defence. From assurances in the annual message, the House had reason to expect a special message on the arrival of the final answer of France to our demand for payment. It was now known that the Executive had been in possession of that answer for more than five days; yet the promised special message had not been received. It was also known that a French fleet had been ordered to the West Indies. This, however, was only procured through the papers. Yet, in the absence of all official information, the course of the Executive is no secret. The result of a cabinet council is no secret. In the course of this debate, a gentleman of high standing, and in the confidence of the administration, had stated that he was prepared to anticipate the course of the Executive. He begged the House to mark the expression, taken in connexion with his support of this resolution, and not what that course will be. If the Executive had neglected its duty to the House, he trusted the House would not neglect its duty to the country. Why the special message was delayed, he would not undertake to say; he referred the question to those more immediately in the confidence of the Executive. He was prepared to go for every proper measure for defence.

Mr. LANE rose, he said, with no intention of discussing this subject, but merely to state, for the information of the House, what his understanding was in relation to the course of the Executive on this occasion. He believed it was only on Saturday or Sunday that Mr. Barton arrived in Washington. [Several voices: "that is not correct; he has not yet arrived."] Well, said Mr. L., there was such a report, and he made no inquiries as to its foundation. He would observe that he was well assured that the President would communicate all the information in his possession, at as early a period as possible. Of this Mr. L. had no doubt, and he could see no cause thus to arraign the Executive for want of vigilance, industry, or patriotism.

Mr. L. well recollected what had taken place on a former occasion. He recollected that complaints, long and loud, were made, that the proposed measure of preparing the country for defence at the last Congress was intrusting the President with too much power. Mr. L. would now say that he rested under the firm conviction, and he would proclaim it here and elsewhere, that if the last Congress had sustained the President of the United States, by making appropriations to put the country in a reasonable state of defence, the provisions of the treaty with France would all have been complied with, and the money paid, and this dark and lowering cloud, now hanging around us, would never have been seen. It was the maxim of the Father of his Country, "in peace prepare for war." What was the situation of this country, compared with France? She had been actively preparing and fitting out her fleets and armaments, which were hourly expected upon our coasts. What was the situation of the American people? Scarce a ship in a condition to defend them! Not a solitary regiment, perhaps, full! The very omitting to make that appropriation might involve this country in war, cost hundreds of millions of money, and tens of thousands of lives, all of which might have been averted. Had this appropriation been adopted, we should have had no war, no apprehension of war, with a powerful and ancient ally. Mr. L. said he was in favor of the resolution, though, if he had been consulted, he would have preferred waiting for a communication from the President, who, he had no doubt, would, at as early a period as possible, communicate all the information of which he was possessed; and then the House may be called upon to act in a very different manner and form.

Mr. GRENNELL said, if he felt all the alarm that seemed to oppress the minds of some gentlemen, he might vote for the resolution of the member from Maine. But he believed these alarms unnecessary, and the declaration of them uncalled for and unwise. If the public dangers resulting from our relations with a foreign Power were so imminent as gentlemen imagine, we should hear from the Executive, and in twenty-four hours we may have information from him that will make us act intelligently on the subject. It was certain the President had received communications from France; but he (Mr. G.) was disposed not to anticipate their character, and should regret the expression of sentiments of horror and alarm here, which might make a false and injurious impression upon the country. They were not to suppose that the Executive had neglected his duty, or that he was slumbering over it. No; Mr. G. would not for a moment entertain such a suspicion. It had been said this was a very important resolution; that it was demanded by the exigency of the times; and it was also said by the gentleman from Indiana, [Mr. LANE,] that if, at the last session of Congress, an appropriation had been made for the navy and fortifications, there would exist no necessity for calling upon Congress now.

We hear it said, sir, (said Mr. G.,) in a way of complaint, that Congress did not sustain the President at the last session; by which, I suppose, the gentleman from Indiana intends that the Senate did not vote the three millions to his discretion, in the fortification bill. And, moreover, the blame of losing the entire bill is intended to be cast upon that body. Sir, (said Mr. G.,) what was the action of this House on that important bill, and what of the Senate? It originated and passed here, and was sent to the Senate. That branch, deeming our appropriations too low for the repair and preservation of the great seaboard defences of the country, raised them, by

amendment, if recollection serves me, by about 400,000 dollars; and thus the bill was sent to the House for concurrence and adoption, several days before the close of the session. On the last evening of the session, the House agreed to the increased appropriation, and added, with unwarrantable haste, the sum of three millions of dollars by way of amendment, to be expended, in whole or in part, under the direction of the President, for the military and naval service, fortifications, and increase of the navy. And those who voted against the monstrous proposition, and the Senate too, because they saw danger in placing that great amount of treasure at the President's discretion, and almost without specification or restriction, are to be charged with leaving the fortifications of the country, and the navy too, in an unprepared and ruinous state—with not sustaining the President! Sir, (said Mr. G.,) did the President ask the appropriation? No. Did any of the Departments ask for this amount, or any thing like it, or any committee of the House? No, sir, none. It was moved by a gentleman of the House, on his own responsibility, and adopted. A majority was found here to take three millions, and lay them at the feet of the Executive. The Senate wisely disagreed to the precipitate measure; and subsequent proceedings showed that the Senate was ready and anxious to save the bill, and instead of the three millions, in such general, unlimited form, to appropriate $500,000 for the refitting and equipments of ships of war, and $300,000 for fortifications. If this proposition had been adopted by the House, the bill might have been saved, and the result would have been, that it might have passed into a law making appropriations for the defences of the country, greater by about $1,200,000 than had originally been proposed by the House of Representatives. Such (said Mr. G.) is my general recollection of the facts, as they transpired about the last midnight hour of the last session of Congress. If I am incorrect, there are many gentlemen present who can set me right, and some who had no very obscure agency in the matter.

Now, Mr. G. was neither disposed to be too hasty nor too slow; he believed, and had long believed, the navy ought to be increased and the fortifications repaired. Indeed, he believed both to be in a worse condition than at the beginning of the last war. Yet alarming haste, he trusted, was not required; and there was something in the idea that each department should sustain its own appropriate responsibility. And when a proposition should come from the Executive, or from any of the Departments, relating to the increase of either arm of the public defence, giving this House the requisite information, he would be found ready to consider the exigency under which it was brought forward, and act with promptness and liberality. He deprecated the voting and speaking as if war was surely impending. And he must hear, from those who know, of the state of our relations with France, and in regard to the public danger, before he voted for this or any other resolution which looks to a great increase of our naval or military force, in the trembling apprehension of war with a foreign Power.

Mr. PEARCE, of Rhode Island, protested, he said, against the doctrine that we could not act without hearing from the Executive or the Departments. He was not disposed to wait for the recommendations of the one or the other before he acted, on any question. He did not wish to enter into an argument on this subject. In ordinary times not a voice would be raised against this proposition. It was but a simple inquiry, was proper now, and would be proper at any time. He moved the previous question.

Mr. HOWELL moved an adjournment: negatived, 80 to 96.

The motion for the previous question was seconded by the House, and the main question was ordered to be put.

The question being taken on the adoption of the resolution, it was decided in the affirmative, as follows:

Yeas—Messrs. John Q. Adams, Ash, Bean, Beardsley, Beaumont, Bell, Bockee, Bond, Borden, Boyd, Briggs, Brown, Buchanan, Bunch, John Calhoon, William B. Calhoun, Cambreleng, Carr, Carter, Casey, George Chambers, Chaney, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Clark, Cleveland, Coles, Connor, Craig, Cramer, Cushing, Cushman, Darlington, Davis, Denny, Doubleday, Dromgoole, Everett, Fairfield, Farlin, Forester, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Graham, Granger, Grantland, Haley, Joseph Hall, Hamer, Hannegan, Harper, Albert G. Harrison, Hawes, Hawkins, Haynes, Hiester, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Lawrence, J. Lee, L. Lea, Leonard, Lincoln, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, Moses Mason, Samson Mason, Maury, McCarty, McKay, McKennan, McKeon, McKim, Miller, Milligan, Montgomery, Morgan, Morris, Muhlenberg, Page, Parker, Parks, Patterson, Patton, F. Pierce, Dutee J. Pearce, J. A. Pearce, Pettigrew, Peyton, Phelps, Phillips, Pinckney, Rencher, John Reynolds, Ripley, Roane, Rogers, Russell, Seymour, A. H. Shepperd, Shields, Shinn, Slade, Smith, Spangler, Sprague, Standefer, Steele, Storer, Sutherland Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Underwood, Vinton, Wagener, Wardwell, Washington, Webster, White, Whittlesey, Sherrod Williams—164.

Nays—Messrs. Chilton Allan, Heman Allen, John Chambers, Corwin, Crane, Grennell, Hammond, Hardin, Harlan, Hazeltine, Hoar, Howell, Ingersoll, Mercer, Potts, Robertson, Waddy Thompson, Lewis Williams, Wise—19.

Tuesday, January 12.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. WARD said, as there was a bill before the House for the relief the sufferers by fire in New York, which it was necessary should be acted on, he would move that the further consideration of the memorial praying for the abolition of slavery in the District of Columbia, presented by the gentleman from Massachusetts, [Mr. Adams,] be postponed to Monday next.

Mr. ADAMS said he hoped the gentleman would allow the vote to be taken on the point of order. The question was upon the appeal which he took from the decision of the Speaker. If the House would come to a decision on the appeal, he would be willing to let the consideration of the memorial lie over, and he would be glad if the discussion of these memorials would also lie over, at least on the day appropriated for the receiving of petitions. Gentlemen had not an opportunity of getting in their petitions, on account of these discussions. There was a great many obstacles thrown in the way of petitions--motions were made to reject them--that they be not received. He should rather see a multiplication of modes for getting in petitions than for getting rid of them. Petitions appeared to be in bad odor; and when he heard a gentleman commence a speech by saying that he was very much attached to the Union, he took it for granted he was going to end by a motion to exclude petitions. Petitions had been presented on

other subjects than abolition, which took up much time to debate, and motions were made to reject them. He concluded by expressing a wish that the House might decide on the appeal, and he would acquiesce in the motion to postpone the consideration of the memorial.

Mr. WARD said he would be glad to withdraw his motion, if he thought this memorial would have preference over all others; but he thought it would not, and there would be much time spent in the discussion of them, and he was very anxious that the House should proceed to the consideration of the bill for the relief of the sufferers by fire in New York.

Mr. GLASCOCK said he was willing the question should be postponed; and his reasons were, that resolutions were in possession of the House, which, if passed, as he hoped they would be, would put this question to rest. He thought the House had the right to say that it would not receive these petitions. The right was recognised by Mr. Jefferson; and certainly he would not have recognised it if it was unconstitutional. It would be for the House to say whether it would receive them.

Mr. PATTON said he regretted very much that the gentleman from Georgia [Mr. GLASCOCK] had expressed a readiness to acquiesce in the motion to postpone. It was very evident that the effect would be to give the matter the go-by. The gentleman is mistaken, if he thinks he is to get a speedy and direct vote. Our time is to be taken up by discussing this matter every morning on which an opportunity offers. There was no way of getting a vote, unless we make it the special order until it is decided. One gentleman will ask it to be postponed for one purpose—another for another purpose; and by this means the question would be evaded.

Mr. BOULDIN. I do not wish to say much, Mr. Speaker, on this subject, but wish to say a word or two, particularly as to the manner in which this matter has come before the House, and how I have been compelled to vote upon it. It comes up upon various points of order, blended in some degree with the merits of the question: whether the petition should be rejected before it is read, and you know what is in it; whether the language in which it is couched is such as ought to be received by the House. I have been compelled to give votes seemingly contradictory in relation to the merits, owing to this blending and entwining of questions of order with the most momentous matter that can come before the House or the nation.

Mr. Speaker, the North and East are not acquainted with the effects of what they are doing. They do not know what is the feeling of the South. Sir, if they did, their conduct would be different. Far be it from me to do or say any thing, or give any vote, that will endanger this Union. Sir, I love the Union as I love my life, and this makes me anxious that this matter should be understood.

[The SPEAKER said the point was, Shall the subject be postponed?]

I know that, sir; I am endeavoring to show the propriety of coming to an understanding on this subject now, in preference to then. Sir, the question I wish to come to is this: do you mean to take measures to endanger our property or our lives—liberate our slaves, directly or indirectly, now or hereafter? Sir, I have no doubt the liberation of the slaves of this District by Congress is unconstitutional, and will, on any vote, say so. But this is not what I care for. He that is willing, professing to be friendly, to use means, directly or indirectly, to endanger my life or rob me of my property, has little regard to constitutional scruples or difficulties.

Sir, I am not disposed to weaken the tie of love that exists, or did exist, between all the members of this Union; but, sir, I wish as soon as possible to inform the North and East with what a tender hand they ought to touch this subject. There are individuals in this Union who I know love their country, and this Union is dear to them as the heart's blood of the dearest, tenderest, object of their affections, in whose bosom a thorn has been planted by another project from the same quarter—I mean the tribute of protecting duties. Sir, this thorn pained and wounded at the time, and has rankled and festered, and the wound is now in a festering state; and this is not the time to open it and plant another more fatal still, and more galling.

It is this, sir, which causes me to urge that we come to a full understanding of this matter between North and South, East and West; for, sir, I know that northern and eastern gentlemen do not know that there are feelings existing in the South upon this subject that cannot be further agitated or pressed upon. Sir, let me not be misunderstood; I do not charge the whole fault of the agitation on this subject on the North, nor would I wish to say any thing unkind or intemperate, calculated to wound the feeling of any member of this House or this Union. Far from it. I think I know that, if they were apprized of what they were doing, or likely to produce, they would act differently. They love the Union. And did I intimate that the South did not equally? Sir, they love the Union equally; but insulted, injured love, is the mother of the purest hate; and I wish all the members of the Union to be apprized of what is likely to be the effect of pressing this matter on us. Sir, they are not advised; I know they cannot be. Sir, I know our own conduct ought to be revised by us at home on this subject; let us inquire whether our societies and fourth of July speeches on emancipation and other things in relation to negroes and negro slavery have not invited strangers to meddle, and have not led to a misunderstanding on this subject.

I am sure that, on reflection, our northern brethren will admit of repentance on seeing error. I am equally satisfied that the attention of the South having been drawn to what they have themselves done, they will retrace some of their steps, and all will be willing to leave this subject, too mysterious, deep, and dangerous for man's management, (or that of woman either,) to the operation of time, and the providence of God, in whose hands alone this subject must at last be left. Sir, it is impossible that gentlemen should be sensible of what they are doing, or I do know, by looking into my own bosom, (a place I find the safest of all to look when I know that passion is absent,) to find what others will do on any given point—I know, sir, by what I find in my own bosom, that if gentlemen knew what was, or would be, the effect of pushing this thing upon us, they would, with all courtesy and humility to their constituents, return their numberless petitions, and tell them that dangers, of which they were not advised, awaited the passing of this matter, and that, if it was still insisted on, they would at last offer them. I know this would be their course as certainly as I can know any thing depending on observation and familiar acquaintance with the common practice of man, and their ordinary actions and motives in the common business of life. Sir, they cannot be fully sensible of what effects they are likely to produce. Look to the sources of their information. They rely in a great measure on the representations of the ladies, who appear to be the principal petitioners. Sir, let me cast no slur over any portion of the fair sex; I wish them every good wish, if they be single, which I believe is generally their condition; if they had husbands and children, they would find something else to do; I wish them all good husbands, and something better to do, and that they may spend their days and their nights in some employment more like to give them pleasure, and do the world a benefit

drawing their petitions, so well calculated to produce effects so little likely to give them satisfaction or comfort after they are produced.

Sir, whether they be married, maids, or widows, I wish not to wound them; and they must be very different from any of their sex of any class that I have been acquainted with, if they would persevere in any course that went to hazard every thing dear to their sex. Sir, were they informed in what a situation they would place the maiden pride of their sex—if they were informed that they would hazard the life and safety of the dear and tender offspring clinging to the bosoms of their own sisterhood, sympathizing with them in all the tender ties that bind the mother to her tender infant, who draws its vital being from her breast, I am sure they would stay their hands. Sir, could they be informed what effect they had produced upon the helpless, defenceless objects of their blind charity, they, being Christians, (as all women are, or should be,) would leave the thing to God.

Sir, it is immaterial whether you mean to do this thing by this means or that—whether immediately or indirectly, now or hereafter, the object is the same, and the consequences to us are the same; and it is obvious that this subject is pressed upon us of the South, in some form or other, by societies formed, religious associations, political combinations, male and female, private and public, from day to day, and from week to week. Sir, let us alone to ourselves in this matter.

[Here the Speaker said the question was whether this subject should be postponed until Monday, and the gentleman was going into the whole merits.]

I think, Mr. Speaker, that these reflections are directly in point, to show that we should come to an immediate understanding on this matter. However, I will not urge any other remarks at this time; but when the main question comes up, if we should ever be able to get to it, I will claim the attention of the House while I give to them and to my constituents my views on its merits. I will simply add that, if the materials of civil war and discord are matured in this nation, it will be a matter of little consequence at which end of the confederacy the flame commences. The consequences to the whole Union will be the same. Ay, sir, and the horrors and the alarms of southern maids and matrons can only be equalled by the terrors and alarms, the horrors and calamities, of the maids and matrons of the North—Rachels weeping for their children who are not.

Mr. CRAIG said, that in postponing this matter, it was not giving the subject the go-by. It would come up in a better shape when the resolutions were under consideration. When the resolutions came up, let us march as one man to the point, and the matter will be decided, and decided satisfactorily, he hoped, both to the South and to the North.

Mr. R. M. JOHNSON said he did not rise to debate the question. He thought that if we were to vote, and not to speak so much, we would be enabled to get through the business much more advantageously than at present. So far as the States were concerned we all agreed, and he would not say it was expedient to touch this matter even in the District of Columbia. Mr. J. had risen for the purpose of asking the consent of the House to report several bills from the Committee on Military Affairs.

No objection being made,

Mr. R. M. JOHNSON, from the Committee on Military Affairs, reported the following bills, which were committed to a Committee of the Whole on the state of the Union; which, together with the reports and documents accompanying the same, were ordered to be printed:

A bill making an appropriation for collecting materials preparatory to the commencement of certain fortifications;

A bill for the better organization of the corps of topographical engineers; and

A bill authorizing the chief engineer to employ clerks and a messenger.

Mr. J. gave notice that he would call up the first-named bill on Thursday next.

Mr. PEYTON then rose and said he had not intended to say one word upon the subject before the House at that time. However, if he understood the honorable member from Kentucky [Mr. R. M. Johnson] aright, and Mr. P. wished, if he misunderstood the gentleman, that he would correct him; he understood the gentleman to say, substantially, that, so far as the question of slavery was concerned in the States, he (Mr. J.) thought it agreed on all hands that that House had no power to interfere; but that, so far as the District of Columbia was concerned, it was a mere matter of expediency.

Mr. JOHNSON, of Kentucky, explained. What he said was, that he had much rather that the House should at once vote upon the question than discuss it. And that if the House would come to a vote, he thought there was no member in the House who would vote that they had the power to interfere, so far as the States were concerned, nor a single member in the House who would say it was expedient to touch it even in the District of Columbia.

The CHAIR said further remarks must be arrested. The question before the House was merely one of time, whether the subject should be postponed till Monday next.

Mr. PEYTON said he had nothing to say on that subject.

Mr. CAMBRELENG expressed a hope that the motion would prevail, as he wished to move that the House resolve itself into a Committee of the Whole on the state of the Union.

The motion to postpone the further consideration of the memorial, and the motion to reject it, were then agreed to.

PARTIAL APPROPRIATION BILL.

An engrossed bill, making appropriations, in part, for the support of the Government for the year 1836, was read the third time.

Mr. JOHNSON, of Tennessee, said he wished this bill amended, so as to reduce the contingent expenses of the House to the standard of 1832; and he hoped the House would afford its unanimous consent for the purpose of enabling him to make the motion.

Mr. CAMBRELENG expressed the same wish.

Mr. WILLIAMS, of North Carolina, should move that the bill be recommitted to the Committee of Ways and Means, or to a Committee of the Whole on the state of the Union, with instructions to inquire into the expediency of making the retrenchments suggested by the gentleman from Tennessee. In that way the bill could be amended, and they could have the benefit of a full discussion on the subject. He made the former motion.

Mr. CAMBRELENG expressed a hope that the gentleman would withdraw the motion. The object was to reduce the appropriations to the standard of four years ago, and he trusted the bill would not be delayed.

Mr. WILLIAMS, of North Carolina, would assent to the request, but he wished the inquiry to go further than the gentleman proposed, and to inquire whether the amount of 1832 was itself not too large.

Mr. J. Q. ADAMS said it made little difference whether this bill was amended or not; for if it were, there would be a supplemental bill to the general appropriation bill. Mr. A. opposed the bill.

Mr. HARDIN entered into a statement to show the expenses for printing, &c., for 1833, '34, and '35, and read a table which he had himself made out.

Mr. CAMBRELENG moved that the bill be recommitted to a Committee of the Whole on the state of the Union. Mr. C. intimated his intention shortly to propose a bill to make the appropriation year, in regard to all the officers of the Government, commence on March 31, if no other gentleman did so.

Mr. WILLIAMS, of North Carolina, then withdrew his motion to refer to the Committee of Ways and Means.

Mr. UNDERWOOD renewed the motion, for the reason, he said, of instructing the Committee of Ways and Means on the subject of mileage. Mr. U. said this matter ought to be settled. Some of his own predecessors, coming from his own immediate neighborhood, had charged 1,100, 1,200, 1,300 miles, and others 600, 700, and 800; and it was time this matter was looked into.

Mr. CAMBRELENG would suggest that the Committee on the Post Office and Post Roads would be the proper committee to refer this subject to, and not the Committee of Ways and Means.

Mr. WHITTLESEY said, to send the subject to the Committee of Ways and Means would greatly embarrass it. He thought it should go either to the committee indicated by the gentleman from New York, or to a select committee.

Mr. W. went on to show that the contingent expenses for printing were easily accounted for, by the fact of the extra number of copies ordered by the House, for which many members had voted, who expressed themselves in favor of reform and economy. The former practice of the House was to print no more than 5,000 copies of the President's message and accompanying documents; now, 10, 15, and 20,000 were printed.

Mr. CRAIG preferred referring the bill to another committee than the Committee on the state of the Union. The great inequality in the mileage of the members, though it might seem a small matter, involved an important principle.

Mr. WISE said: Sir, it was far from me to say a word on this subject, but I am called up, against my will, by the gentleman from Ohio, [Mr. WHITTLESEY.] His remarks are so true, and so just, and so just a rebuke to me, that I am compelled to make confession of the error of my ways. He is right, and I was wrong. It was I, sir, it was I who made, inadvertently made, the motion to print the twenty thousand copies of the President's message. God forgive me! and, if the country will forgive me for this one time, I promise never to be caught so offending again.

But I have been paid as I deserved for assisting the Globe to this lucrative job. The "glove" was thrown down to me the other day in that print, and I hope the House will permit me to take it up now. Like as a Kentuckian or Old Virginian brags of his "double-barrel gun, his pointer dog, and his sweetheart," so did Blair & Rives meet my charge of gross negligence and delay in the public printing. I charged "gross negligence and delay in the execution of the order of this House;" and they brag that they have "the best-arranged office, the best-provided office, the most unremittingly laborious office, in the city." That plea, sir, did not tender an issue, and did not respond to the charge. The Globe office may have "executed more work since the commencement of the present session of Congress than was ever performed in the same length of time;" but, sir, it has not done that work for us; it did not execute our order in due time; and I repeat the charge of gross delay in the printing of the President's message. The President's message was stale, had been printed in every village newspaper, and read by every body; had gone to our remotest boundaries, and nearly come back again, before a half dozen copies of it had been put on our tables; a month had nearly elapsed before my call on the Clerk piled up any considerable number on our tables. Why was this delay? No sufficient reason has been or can be assigned for it. No want of materials can be pleaded; for this well-provided office had plenty of materials to furnish thousands of copies to members who purchased them. Would not the same materials have done to execute the order of the House? Or were the ordered copies kept back until the whole number of those for sale was exhausted?

Sir, I shall vote for the motion of the gentleman from Kentucky, to recommit this bill, with instructions; not so much with a view to the mileage of members, as to reduce the printing bill of the House down from its present enormous sum to the old standard. I wish, above all things, to see the amount of "the Government" patronage to the public press reduced--to see "the Government" patronage divorced from the public press. The patronage which the Globe alone received from the executive Departments, in less time than the last two years, amounts to more than forty thousand dollars! The cost of the printing of the House alone, in the last Congress, was more than one hundred and fifty thousand dollars! Judging of the future by the past--and the probability of an increase, in fact, being greater than that of a diminution of printing--the printing of the House for this Congress will not be short of that for the last, and Blair & Rives will, for the next two years, enjoy an undivided patronage from "the Government" of little short of two hundred thousand dollars! A hundred thousand a year! How can the public press be pure? Is it a wonder that it is degraded and corrupt? That it is no longer a faithful sentinel, and must not be, cannot be, relied on? Is there no remedy? Yes, sir, a plain one. Give me a committee, with power to send for persons and papers, and I will show you that the public printing can be done thirty per cent. cheaper than it now is. Purchase your own press, sir, and employ a superintendent, with a regular and liberal salary; give employment to the working men to do job work alone; and remove this corruption, this stinking bribery, from the fountain of political information. Let the political press depend upon the patronage of the people alone for its support, and it will be more faithful to them and to truth. If it costs you double what corruption does, buy purity in the press at any price. The entire amount of Executive, Senate, and House printing in this District alone is little short of half a million of dollars, according to the new edition of the Blue Book; and from this place go forth the "winged messengers" of information, to enlighten or deceive the public mind. The bribe is too great, too strong, for poor human nature and for our safety. With the power of appointment to and removal from office, with the power of appointment of members of Congress to office, with the Post Office and custom-houses, with the public money and the pet banks, and with this enormous power of patronage to the public press, "the Government" can do any thing! We are a consolidated unit!

Sir, the gentleman from Massachusetts [Mr. ADAMS] asks if we will take up this bill to pay ourselves first? I say yes, by all means. I, for one, will never consent to postpone the Commons, the immediate Representatives of the people, the House of Representatives, to pay the President, much less his menials, first. I will wait on this House first, and attend to them afterwards. I will do this from no selfish motive, but from a jealous and high-toned sense of independence and dignity, as a Representative of the people.

Mr. GILLET made a brief explanation of the causes

of the delay that had taken place. It was in no way assignable to the present printers, for the delay had not arisen from them.

Mr. LANE said the only remedy that could be applied was to pass a law that the mileage of each member should be published to the world, in a manner to be seen and read by the people, by the constituents of each member.

Mr. L. voted for the motion of the gentleman from Virginia [Mr. Wise] to print an extra number of the President's message, and he neither regretted nor felt it his duty to confess his error for giving that vote. The extra numbers were not printed for the benefit of the members of the House, but for the people, their constituents. The gentleman from Virginia [Mr. Wise] complained of the extra printing and the Government patronage to the public printer. When, said Mr. L., did we ever hear of this complaint? Now that an American born citizen, one of the free born sons of Columbia, has the printing—otherwise when the same favors were showered upon a foreigner.

Mr. PARKER drew the attention of the gentleman from Ohio [Mr. Whittlesey] to the Post Office minority report, twenty-five thousand copies of which were ordered, at his instance, to be printed last session, which cost a vast deal more than printing the President's message; and which contained a large body of undigested evidence, that few ever read, and no one could understand. Mr. P. then referred to the mass of memorials, petitions, speeches, &c., of members of Congress, during the "panic" session, which fairly blocked up the avenues in the Capitol, employed some score or two of persons to fold, and the very folding paper to one speech, he was credibly informed, cost the country upwards of four hundred dollars. Mr. P. said it would be found that, for years past, the balance of public printing had been in favor of the House.

Mr. WARDWELL was surprised that the gentleman from Ohio could put his hand on no other document than the President's message, the very one, of all others, that ought to be distributed. Mr. W. had always strenuously opposed the extra printing by that House. He would ask, who ever read the gentleman's report, of which twenty-five thousand copies were printed? It was strange that nothing had been said by gentleman, of the expense of printing, before the present session, when, for the first time, a printer had been elected favorable to the administration. He hoped this bill would not be encumbered with the subject of mileage, but if the gentleman wished an alteration in the law, let him move the customary resolution.

Mr. WISE again rose and said: Sir, I am compelled to say that the explanations given by the gentleman from New York [Mr. Gillet] of the delay of the public printing is not satisfactory; not at all. The gentleman says the delay was owing to the fact that the printer was not elected by the last Congress, and that necessarily the public printer had to procure his materials after he was elected this session. Now, this is too bad—too disingenuous. I put it to the candor of the honorable gentleman, did not Blair, did not "the party" know—know as well as they now know—know beyond a moral certainty, that he was to be elected public printer before this House met? Ay, months ago, did he not know it too well not to begin preparation for his work? Let him, let the Globe answer me. It is too bad, I confess, thus to be forced on all occasions to acknowledge our humiliation; but facts, stubborn facts, must stubbornly be told! I repeat the question—if the materials were not ready for our order, how came they to be ready for Blair & Rives's own sales to members? I bought one hundred; a colleague tells me he bought twelve hundred; you, and you, here, there, every where, (pointing to seats around him,) bought of Blair & Rives, whilst you were waiting for the same work at public expense. If the "engravings," too, were not ready for the copies with the accompanying documents, why were the small messages, without the accompanying documents, not furnished? Blair & Rives had to sell out their own private stock on hand before they executed the order of the House. The printing we are told was done, but the copies not furnished. So much the worse.

The gentleman from New Jersey [Mr. Parker] says, that in the last Congress the balance of patronage to the press was against the administration; that Gales & Seaton had the printing Sir, I am making no small, petty issue. I said "the Government" patronage; whether in the hands of one party or another, it is still patronage, and Government patronage. But now, looking prospectively for the next two years, the whole of the executive printing, and of the printing of this House, falling little short of two hundred thousand dollars, is to be heaped on one pet office of "the Government." Heretofore, the printing has been more divided among the different presses. But I am not for the one or the other printer, or for any, to enjoy this immense patronage—I am for taking it from all. Gentlemen need not throw up Gales & Seaton to me. I never voted for Gales & Seaton; and I will not debate with them the poor, pitiful, contemptible issue between Gales & Seaton and Blair & Rives, or any other party printers. If their interests, or their parties' interests, were all which are involved in this question, I should not care enough about it to break silence; but there are most paramount and momentous and vital interests of the country and its future welfare involved—interests which we cannot long overlook, without forgetting our country in the low and grovelling strifes of party—the interests of independent legislation, and of independence in the public mind.

I would ask the gentleman from New Jersey [Mr. Parker] whether, when he was stumbling over the speeches lying about and obstructing the recesses and passages of this huge building, he fell upon speeches on one side alone? Were there not piles upon piles of "the party" speeches as well as of "the panic" speeches? He says during the panic session—the panic session! Yes, sir, it was a panic session; "the party" was panic-struck for a while; but I am done with that. I do not mean to discuss old things. I mean to look ahead, and to endeavor to make all things become new. During the panic session, the gentleman says, when Gales & Seaton were public printers, we heard nothing of extravagance then in public printing. The gentleman is out, sir; he is mistaken: there was a committee on the subject of abuses expressly appointed, at the head of which was placed an honorable gentleman from Georgia, [Mr. Clayton,] but that committee could never, or did never, report. I have never known, though I could guess, perhaps, why that committee never did report. My honorable friend from North Carolina [Mr. McKay] was a member of that committee, and he, no doubt, can tell us why, and can tell us, too, of some abuses which might have been reported.

The gentleman not only complains of the printing of panic speeches, but also of the Post Office report. I am not astonished, sir, at his complaining of the printing of 25,000 copies of the report of the Post Office Committee—that was a "panic report!" But the complaint only shows how far reform would go. He says that report was very voluminous, and was read by nobody. It is so much the better for "the party" if that report has been read by nobody. But let him not lay that flattering unction to his soul. Sir, that report, which was the result of the joint industry, ability, and acuteness, of the gentleman from Ohio [Mr. Whittlesey] and the gentleman from Vermont, [Mr. Everett,]

than whom there are not, and never were, in Congress, two more useful and faithful representatives of the people. That report broke up the nest, probed the old sore, and laid bare the corruption of that Department. I do not know that all the foul matter has run out yet, and that it may not yet become more corrupt than ever. There are some other departments which I should like to see probed. There are your land offices, and your Indian bureaux, which, if all I believe is true, are now, and have been for a long time, festering with as stinking corruption as ever ulcerated the Post Office. I should like to see about 25,000 copies of just such panic reports printed upon each of those departments. Well may gentlemen complain of the distribution of such information as that contained in the report of the Post Office Committee. Such information to the people is well calculated to strike "the party" with a panic! Sir, 25,000 copies of that report were not half enough for a population of twelve millions. It told a tale of corruption, where all should be as pure as the air of your mountains, in a republic. Would that I could believe it would produce a real bonafide reform—not a reform, such as party politicians hold up to the desire and expectation of the people—not a reform merely to turn out and put in, but a radical reform, a cure, a healing of the disease. It did all it could do: it informed us of the disease; it let out some fetid matter. But I fear it exposed a most fearful character of the disease. I fear it is the king's evil on the body politic! It is not always to cure, to become informed of a malady. You may stop up one rat-hole, sir, and they will gnaw another. You may cicatrize one old sore, and another will break out on some other part of the body. I desire the people to become acquainted with the case and its type; and I do desire, above all things, that they will doctor it. Such panic reports, I say, sir, are of vastly more importance than your President's messages, and all your Secretaries' reports, which never pretend to expose abuses. Expose abuses! which rather smooth over some things that must not be known for the administration's sake! Yes, sir, where I would print one President's message, I would print one thousand copies of any report which exposes the truth, the whole truth, and nothing but the truth, to the nation.

The gentleman from New York [Mr. WARDWELL] says it is the first time that the administration has had its printer. The administration its printer! Why, sir, here is the doctrine of the "spoils" distinctly avowed on this floor. The administration its printer! I repudiate, I despise, I scorn, I detest, I abhor, such a doctrine! It is servile, it is corrupting, it is mercenary. The administration its printer! This is the feeling; here it is; and what does it say to us and to the American people? I pray you, sir, and them to look at it, to mark it, and to reprobate it as I do. We are not safe, the Government is not safe, if such abominable sentiments shall obtain a footing amongst us. What, sir! is it avowed that the press, too, belongs to the victors? Yea, all!

Ay! and the gentleman from New York [Mr. WARDWELL] says, too, that these questions about mileage—these honest questions about corruption, and all that—come from new members. Indeed! there is a confession for you. True, sir, though too true. We come here honest, at least professing to be honest, but we are not here long before we become "used to almost any thing!" [Here Mr. CAMBRELENG whispered to Mr. WISE, "how is it with you, WISE?" to which Mr. W. replied, looking at Mr. C.,] I am no better than I should be, but I am not yet, thank God, "a hardened sinner!" I do not know how long, a little "figuring," perhaps, might tell how long, I shall be disposed to act with the new members; but I am glad there are many new members in this House, and I hope they will haste to do their duty whilst they are "fresh from the people!"

Mr. CRAIG moved that the House adjourn; but withdrew it to enable the Speaker to present sundry communications from the heads of Departments.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on the Judiciary, and ordered to be printed:

To the House of Representatives of the United States:

Having laid before Congress, on the 9th ultimo, the correspondence which had previously taken place relative to the controversy between Ohio and Michigan, on the question of boundary between that State and Territory, I now transmit reports from the Secretaries of State and War on the subject, with the papers therein referred to.

ANDREW JACKSON.

WASHINGTON, *January* 11, 1836.

The House then adjourned.

WEDNESDAY, JANUARY 13.

SLAVERY IN THE DISTRICT OF COLUMBIA.

The following resolution, heretofore offered by Mr. JARVIS, came up in order:

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress. And be it further resolved, that in case any petition praying the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid upon the table without being referred or printed.

The question pending was the following amendment, offered by Mr. WISE:

"*Resolved*," That there is no power of legislation granted by the constitution to the Congress of the United States to abolish slavery in the District of Columbia; and that any attempt by Congress to legislate upon the subject of slavery, will be not only unauthorized but dangerous to the union of the States.

Mr. JARVIS modified his resolution as follows:

Whereas any attempt in this House to agitate the question of slavery is calculated to disturb the compromises of the constitution, to endanger the Union, and, if persisted in, to destroy the peace and prosperity of the country. Therefore,

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress. And it is further resolved, that in case any petition praying for the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid upon the table, without being referred or printed.

Mr. ALLAN, of Kentucky, moved to lay the resolution as modified, and the amendment, on the table.

Mr. GARLAND, of Virginia, asked for the yeas and nays on the motion; which were ordered.

Mr. PARKER called for the reading of the resolution, as modified; which was done.

Mr. HOLSEY rose to a question of order. He was upon the floor when this subject was last before the House; and he supposed that he was entitled to the floor; and that the motion to lay the subject on the table could not be received under the circumstances.

The CHAIR said if the gentleman had claimed the floor when the subject was first announced, he would have been entitled to it. But as he had not done so before several gentlemen had risen, and a modification of

the resolution had been made, it was now too late to press his right to the floor.

Mr. MANN, of New York, inquired whether the motion to lay the subject on the table was in order, a similar one having been made on a former occasion.

The CHAIR stated that the motion was in order. Since the vote referred to, other matters had been introduced.

The question on the motion to lay the subject on the table was decided by yeas and nays, as follows: Yeas 58, nays 156.

YEAS—Messrs. J. Q. Adams, Chilton Allan, Heman Allen, Ash, Bailey, Barton, Beaumont, Bond, Borden, Briggs, Buchanan, Carr, George Chambers, Clark, Corwin, Crane, Cushing, Darlington, Evans, Fowler, Graves, Grennell, Hannegan, Hard, Harlan, Hazeltine, Henderson, Hiester, Hoar, Howell, Hunt, Ingersoll, Janes, Laporte, Lawrence, Lincoln, S. Mason, McCarty, McKennan, Milligan, Montgomery, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Slade, Spangler, Sprague, Sutherland, Underwood, Vinton, Webster, Whittlesey, Lewis Williams, Sherrod Williams—58.

NAYS—Messrs. Anthony, Beale, Bean, Beardsley, Bell, Bockee, Bouldin, Bovee, Boyd, Brown, Bunch, Burns, Bynum, William B. Calhoun, Cambreleng, Campbell, Carter, Casey, John Chambers, Chaney, Chapman, Chapin, Childs, N. H. Claiborne, J. F.H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Deberry, Denny, Dickson, Doubleday, Dromgoole, Efner, Everett, Fairfield, Farlin, French, Fry, Philo C. Fuller, William K. Fuller, James Garland, Rice Garland, Gillet, Glascock, Granger, Grantland, Grayson, Griffin, Haley, Joseph Hall, Hiland Hall, Hamer, Hammond, Hardin, Harper, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubley, Huntington, Hunstman, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, R. M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Gideon Lee, Luke Lea, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Manning, Martin, J. Y. Mason, William Mason, Moses Mason, Maury, May, McComas, McKay, McKeon, McKim, McLene, Mercer, Miller, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, F. Pierce, James A. Pearce, Pettigrew, Peyton, Phelps, Pickens, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Roane, Rogers, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Steele, Storer, Taliaferro, Taylor, John Thomson, Waddy Thompson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Weeks, White, Wise—155.

So the House refused to lay the subject on the table.

Mr. HOLSEY obtained the floor.

Mr. CAMBRELENG suggested to the gentleman to postpone his remarks, inasmuch as the morning hour was about to expire.

Mr. HOLSEY said it was evident that it would be almost impossible to arrive at a decision on this subject, if they were to be restricted to a small portion of the morning hour. Under these circumstances, he would move to postone the further consideration of the subject until Tuesday next, and that it be made the special order for that day.

Mr. PINCKNEY moved to print the resolution and amendment.

Mr. PARKS moved to postpone the subject, and make it the special order for to-morrow.

Mr. OWENS hoped his colleague [Mr. HOLSEY] would accept the latter proposition as a modification of his motion.

Mr. R. M. JOHNSON reminded the gentleman that he contemplated asking the House to consider the fortification bill to-morrow. He hoped the motion to postpone until Tuesday would prevail, or that the gentleman from Maine would withdraw his motion.

Mr. PARKS said he would be glad to comply with the request of the gentleman from Kentucky, [Mr. JOHNSON;] but he must be excused. The peace and quiet of the country required that this question should be speedily settled.

Mr. CAMBRELENG was in favor of the postponement until Tuesday, with a view that the appropriation bills should be in the mean time taken up and acted on.

The further consideration of the subject was then postponed until Teusday next, made the special order for that day, and the propositions directed to be printed.

AMENDMENT OF RULES.

Mr. BELL, of Tennessee, called the attention of the House to a business which was of the first importance to be considered. We are now in the fifth or sixth week of the session, and the rules, the defects in which were so seriously felt, had not yet been amended, though, according to the general sense of the House, they required amendment. They had been referred to a select committee, and several very important amendments had been reported for the consideration of the House. Gentlemen had given notice that they would to-day and to-morrow call for the consideration of the most important appropriation bills, which would create as much debate and excitement as any subject which would come before the House at this session. He thought it necessary that the House should appropriate this day to the amendment of the rules. He knew the Chair, under the existing rules, must find much difficulty and embarrassment in directing the business of the House, and also had it in his power to exert an important influence on the proceedings of the House, though he did not impute to the present occupant of the chair the exercise of any undue influence. The defects of the rules and orders ought to be supplied before the House proceeded further in the business of the session.

Mr. MANN said it was the intention of the Committee on the Rules and Orders to ask the House to consider the report at an early day. There could be now no more inconvenience felt for the want of rules than there had been for the last two years. The existing rules, until others were adopted, were the same which had been in force for the last four or five years.

On motion of Mr. CAMBRELENG, the House proceeded to take up the orders of the day.

SEMINOLE HOSTILITIES.

The bill making appropriations for the repression of the hostilities of the Seminole Indians in Florida, returned with an amendment from the Senate, was taken up, and, on motion of Mr. CAMBRELENG, committed to the Committee of the Whole on the state of the Union.

On motion of Mr. CAMBRELENG, the House went into Committee of the Whole on the state of the Union, (Mr. CONNOR in the chair.)

The amendment of the Senate to the bill making appropriations for the repression of Indian hostilities was agreed to.

The consideration of the bill making partial appropriations for the support of the Government for the year 1836 was taken up, and, on motion of Mr. CAMBRELENG, postponed.

NAVAL APPROPRIATIONS.

The House then went into Committee of the Whole upon the naval appropriation bill.

Mr. CAMBRELENG moved to insert an item of $15,000, to defray the extra services for surveying the coasts and harbors of the United States from 1830, &c. Agreed to.

Mr. C. also moved to strike out the proposed appropriation of $200,000, for the purchase of sites, and erection of marine barracks, near Charlestown, Massachusetts, New York, Norfolk, and Pensacola.

Mr. C. briefly advocated the propriety of striking out the item, on the ground of its being, in itself, an innovation, and probably unnecessary. It was thought by many distinguished officers, that the corps itself was an unnecessary appendage to the navy, and only requisite to keep up subordination, where the system of impressment prevailed. The money was also required for the repair of fortifications, &c.

Mr. WISE and Mr. SUTHERLAND briefly defended the character and utility of the marine corps.

Mr. VANDERPOEL said, if a vote in favor of striking out was to be considered as the expression of an opinion, on his part, that the marine corps was unnecessary and ought to be dispensed with, he would vote against the motion to strike out the item in the bill, for the building of marine barracks. He was not prepared, unless blessed with more lights than he now possessed, to give a vote from which it might be inferred that he considered the marine corps useless. His honorable colleague had represented these marines as being a sort of amphibious creatures, belonging not strictly to the land or the water. Still he was not aware that the Navy Department had recommended a dispensation with this corps, or that the navy commissioners or the Committee on Naval Affairs in this House had expressed any opinion against the utility of this corps. He was informed by a member of that committee near him [Mr. WISE] that the Committee on Naval Affairs were decidedly in favor of the retention of this marine corps. For his own part, he had always understood that they were extremely useful and efficient in time of engagement. He knew very little about the details of their duty, but he believed that they carried small arms, and when two hostile ships came within musket shot of each other, a faithful and well-disciplined marine corps must be very efficient. He had always understood that one of the most gallant officers, whose loss this country had ever mourned, had been killed by a shot from one of the enemy's marine corps; and he could not vote to strike out the section under consideration, if he was to be considered as thereby indicating his conviction that the marine corps was unnecessary, and ought therefore to be dispensed with.

Mr. BELL drew the attention of the committee to the items for making additions and improvements to the various navy yards, amounting, in the aggregate, to upwards of $600,000. He thought not a dollar beyond the absolute necessary repairs should be expended; for, in case of an exigency, such as rumored, men and ships, and not navy yards, were wanted. He thought at least this $200,000 ought to be stricken out, and the $600,000, too, unless the exigencies of the naval service required it, with which Mr. B. confessed himself not to be sufficiently versed to be able to say himself.

Mr. PARKER thought, in case of war, nothing required more attention than our navy yards, and he maintained that this was one of the most necessary and indispensable appropriations of the whole bill. He hoped at least the $600,000 would not be stricken out.

Mr. MASON, of Virginia, said the question was not to dispense with the marine corps at all, but whether they should postpone, to some future period, the proposition to accommodate the two different branches of the naval service with distinct barracks. He hoped the amendment of the gentleman from New York would be adopted, and the item stricken out. He also drew the attention of the committee to the necessity of passing this bill as speedily as was consistent with its full deliberation.

Mr. MILLER said a few words in favor of the amendment.

Mr. CAMBRELENG stated that the item had not undergone the full examination of the Committee of Ways and Means, for if it had, they never would have inserted it at all. It did not belong to that committee, but to the Committee on Naval Affairs. It was a new matter, not belonging to an appropriation bill.

Mr. HARPER, of Pennsylvania, would vote for the amendment, because he did not desire to see the marine corps too much separated from the navy, nor made a distinct branch of the service. Besides, he thought the proposition in other respects unnecessary, because there was plenty of accommodation for them already provided.

Mr. WISE should vote for the amendment, not because the marine corps were not desired, but because they were more efficient where they were.

Mr. VANDERPOEL said he should support the amendment for the same reason.

The amendment was then agreed to, and the item stricken out.

Mr. CAMBRELENG then moved to strike out the sum of $950,000 "for the repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission," and insert, in lieu thereof, the sum of $2,000,000 for the same objects.

Mr. C. said he was instructed to move this amendment by the Committee of Ways and Means, with one single exception; but, in saying this, he begged also to observe, without reference to the question of war, that he feared not to assume the responsibility of the measure. Mr. C. referred to the state of our relations with Mexico and with France, as a reason for requiring this additional appropriation for the navy.

Mr. THOMPSON, of South Carolina, said that the honorable chairman of the Committee of Ways and Means need not have been so superfluous as to have declared that he was willing to assume the responsibility of this recommendation. These are times (said Mr. T.) when it is the fashion to assume responsibility, and in no case certainly more striking than this. The gentleman from Massachusetts [Mr. ADAMS] said the other day that these were times of change. It is true. Not only the powers of one department of the Government are assumed by another, but the appropriate duties of one committee are assumed by another. As to all matters of finance, it is my duty to look to the Committee of Ways and Means; but I have yet to learn to what authority reports from that committee are entitled upon subjects appropriate to the Committee on Naval Affairs, and the still more important Committee on Foreign Relations. I repeat, sir, that the Committee of Ways and Means, on matters properly belonging to it, is entitled to our confidence, and the more so because the chairman of that committee is a practical and successful merchant. But, sir, as to other matters, we have had to-day a practical illustration in the subject last considered by the House, where all the lights which we had were from that committee—lights which only made "darkness visible." If these appropriations are necessary, without reference to our present foreign relations, let us have information upon the subject from the Secretary of the Navy, with the usual and proper estimates, and coming to us through our Naval Committee, and I shall not oppose them. If necessary with reference to those foreign relations, let us wait for information from the Executive; if as an ordinary appropriation, as at present advised, they seem too large; if with reference to our relations with France, they are too small; give us but light, and

we will be able to act understandingly, and in a way that becomes this Congress, the guardians of the interests and the honor of the American people. Why, sir, have we not that information? Some gentlemen seem to have it—all are entitled to it. Who are we, sir, that are thus called upon to take a step that may have a most important bearing upon the highest interest of any people—a bearing, sir, upon the great question of peace or war?

The Representatives of the people are a part of the Government, without whose concurrence no measure connected with this deeply interesting question can be adopted. It is our right to have, to demand, sir, all the information which may be in the possession of the Executive. Unless fully advised, and under the most inexorable necessity, I will take no step which may weigh a feather in the now nicely adjusted balance of peace or war. I do fear, sir, that we may yet be involved in a war with France; I am determined, for one, (and if only one, that determination shall not be shaken,) that I will have no share in bringing it on. No, sir, when it does come, I am resolved that I will be able to say to my constituents and the country, my hands are clear of it; you shall not say that I did it. Let it not be said that, whilst I admit the possibility of such a war, I will not vote to prepare for it. Not so, sir. When that war is inevitable, when the interest or the honor of the nation (its honor is its interest) shall demand it, and when I am put in possession of all the information on the subject, then, sir, and not until then, will I take any such responsibility; and not, sir, until I am so advised by that department of the Government whose duty it is to advise me on the subject. I will not make war in this indirect manner, on the discussion of a clause in the appropriation bill; nor will I do any thing that may have the remotest tendency to that end. War with France, sir! The very idea would be ridiculous, if it did not involve consequences and issues so infinitely important and momentous. Although I repeat I have serious apprehensions that we may be involved in war, I will do nothing that may lead to it. As matters now stand, there is no cause of war; nor do I believe there is the slightest reason to anticipate that France will strike the first blow. It is with us to choose both whether we are to have that war, and the time for it. Let us wait for intelligence of the reception of the President's message in France; let us not add to the existing difficulties of an adjustment. The controversy with France is narrowed down to a mere point of etiquette and punctilio; so narrowed down, sir, that, in such a controversy between two gentlemen, if I, as the friend of one of them, were to allow them to go on the field of single combat, and either were to fall, I should regard myself guilty of murder.

When I use this strong language, sir, it is due that I should glance—and the time and occasion only admit of a glance—at the origin, progress, and present position of the controversy. By a treaty concluded with the French ministry, indemnity is secured for certain spoliations upon our commerce; and, what is more, an important stipulation, and of great advantage to France, of the treaty of 1803, is surrendered; a stipulation so important that the most distinguished member of the French Chambers opposed to the treaty declared that he regarded the indemnity of twenty-five millions as nothing to it. Two separate commissions, appointed by the French Government to investigate these claims, had, after laborious investigation, reported the amount due us to be about thirteen millions. A sum is agreed to be paid nearly double that amount. Was this not enough to create distrust on the part of the French Chambers; enough to make them doubt about the treaty, and require them to look fully into it; when there is added to all this that our minister first demanded seventy millions, gradually came down to twenty-five millions; like a Jew selling a yard of calico, after the demand of seventy, accepted twenty-five millions, and boasted (with how much of dignity and justice I do not say) that even this sum would pay every cent due American citizens, (thereby acknowledging that his demand of the higher sum was not just;) and, further, that not more than one fifth of the French claims were conceded?

I have known a horse jockey to boast that he had cheated a gentleman; but a boast like this I rather think occurs for the first time in the history of diplomacy. What, sir, a boast of an advantage obtained in the settlement of a pecuniary claim; and that advantage, too, obtained by us from France, above all nations on the earth from which we should have desired it! No such advantage was obtained; and the President says, "that the settlement involved a sacrifice, was known at the time." Not surely known by Mr. Rives, because he could not then have made the boast; but it surely ought to have been known by him.

Was it not enough to excite the suspicions of the French Government, that our negotiator had thus boasted of the advantage he had gained—whether with or without cause is not material? In this state of things, late in the discussion, the difficulty is suddenly sprung, that eight millions had already been paid by the Spanish Government in the Florida treaty. The Duc de Broglie was unable satisfactorily to answer it, and said that "he had but a confused recollection of that treaty." He who had made the treaty of indemnity, whose duty it was to have known all about the Florida treaty, was unable to explain satisfactorily the difficulty. Under these circumstances, was it to be wondered at that the treaty was rejected, and only by six votes, in a body of more than three hundred and fifty? What then, sir? Was the treaty abandoned? No, far from it. A national vessel is fitted out. The King of France would not trust to the ordinary conveyance, but sent a national vessel to convey to our Government the assurance of his continued and faithful efforts to procure the ratification, and of his hopes of being able still to accomplish it, and entreating that nothing might be done to add to the difficulties already existing. In this stage of the matter, the President, in his annual message, very distinctly intimates his opinion in favor of reprisals on the property of French citizens, to avenge a national wrong by the seizure of the property of private citizens; and this, too, shortly followed by the recommendation of our minister in France, that our Government should assume a high tone, and use strong language—very distinctly intimating that threats would extort from the French people that which their sense of justice had refused. Sir, I was astonished, when I read that communication. I was surprised that such an idea ever could have occurred to any one, still more, sir, to a gentleman whose judgment ought to have been matured, and who had the reputation of wisdom and experience, and with a thorough knowledge of the French character—a people, brave, proud, and warlike, to a proverb. I feel, sir, an extreme difficulty in speaking of this matter, without subjecting myself to a charge of a want of American feeling. But, sir, whilst I am an American citizen—an American Representative, I cannot disregard the claims of truth and candor. I am not the apologist of France. I am, sir, the vindicator of justice and right. And I am constrained to say that all the difficulties in which we are placed have, in my judgment, arisen from the indiscreet warmth of our own Government, and a course of measures which I will not say may not have been prompted by the high temper, strong and often high impulse of our own Executive—a course nothing the less to be regretted. Why, sir, let me ask, this most unwise haste in the recall of Mr. Barton at this particular time? Why remove the only possible medium of communication between the two Gov-

ernments before the arrival in France of the President's message, which, but for that recall, would in all probability have been regarded as a sufficient explanation, as most surely it ought to be regarded? France took exception to a supposed threat in the communication of the President to Congress. In a similar communication such a threat is disavowed; and France is bound to notice the disclaimer, conveyed in the same manner as was the insult, and puts herself in the wrong if she does not.

But, sir, this matter has at last reached a most nice and narrow point of etiquette. The President scouts the idea of making any explanations of his message; and yet such an explanation is made by our diplomatic agent, with the President's approval, which approval he authorizes to be communicated to the French Government; in other words, I will not make the explanation myself, but the explanation made by my agent I adopt. Now, sir, is not this a quibbling unworthy of both parties? I think it is going far enough, and ought to have been accepted. But is it upon such a point, that two great and powerful nations are to plunge their people into all the horrors of an interminable war—interminable, because it will be a war upon a point of honor, which neither can yield? Are human happiness and human life nothing? Is war a mere pastime, that it is thus, and for such causes, to be brought on?

As to the French fleet which is said to have been sent upon our coast, it does not in the slightest degree move me from "my propriety." If that fleet were sent to overawe and intimidate us, it would be a very different affair: then, sir, I would not even treat with France, until the whole nation were clad in armor. Is such the fact? Has France in any one instance threatened us? No, sir. That fleet is not professedly sent to intimidate, but to secure the commerce of French citizens from reprisals—reprisals threatened by one whose power over the action of our Government is known every where—one the least of all men living given to child's play—one very apt to do what he threatens. If that threat be of a bold and daring act, under such circumstances, every obligation of protection due by a Government to its people demanded some such measure of precaution. So far from threats, has not the whole course of France been marked by a forbearance that would have been proper in no people having a less unquestionable character for courage? Has not the French minister, over and over, replied to the charge of duplicity and bad faith, and exculpated his King from it, when he would have been justified in repelling it with scorn?

[I disclaim all arguments drawn from a calculation of the comparative amount of the expenses of a hostile collision with France, and the amount secured by the treaty. I agree fully with gentlemen, that, if the national honor, and our ability or our willingness to protect our citizens in all their rights, are involved, considerations of the cost are unworthy and degrading.]* If such an issue is presented, I will not condescend to say, nor permit it to be doubted, what will be the course of the people of South Carolina, in a matter of duty, of patriotism, of honor. The whole world already knows what it will be. The history of the State in all time past renders it certain to all what that course will be. Sir, when this country engaged in the last war, the great cause of which was the impressment of American seamen, and but for which that war never would have been declared, South Carolina had scarcely a seaman on the ocean. But it was northern seamen who were impressed, the national honor assailed; and what was the consequence? War, sir, war—and so it will ever be, for a like or a sufficient cause. I see none such now. I will not contribute, by any vote which I may give, to create such a necessity.

* The lines in brackets not in the speech as delivered.

Mr. SUTHERLAND said he had listened to the remarks of the gentleman from South Carolina, [Mr. THOMPSON,] and was astonished to learn that we had been the aggressors. The argument of the Duke de Broglie was one of great ability, and fully sustained the justice of our claims, and was an ample answer to the suggestion in relation to our having obtained an advantage in our diplomatic transactions with France. At present, however, the fairness of our claims was no longer open for discussion. Every branch of the French Government had passed upon them. The King, the Peers, and the Chamber of Deputies, had all given their sanction to their validity.

The papers containing the debate in the French Chambers, laid on our tables last year, had been circulated throughout the whole nation, and the merits of the controversy were distinctly understood by our countrymen every where. And although there might be a reluctance on the part of all to go to war with our ancient ally, still he felt satisfied that, to sustain our honor in this dispute, there would be but one sentiment in the event of such an issue. It certainly was a subject of gratulation to know that this matter was so well comprehended by the people at large. With the President's message at the opening of the session before them, which they had received with great unanimity, they were willing to intrust the most delicate question of peace or war to the Congress of the nation.

The chairman of the Committee of Ways and Means had, under an impression that the condition of the country required it now, moved to enlarge one of the items in the appropriation bill, with the view of increasing the naval force of the country. A short time since, the House passed a resolution directing an inquiry into the propriety of this measure. To this enlargement of the appropriation the gentleman from South Carolina objected. For himself, Mr. S. said, he would vote for the proposition with great cheerfulness. We must look to the organs of the House, in a great measure, for information; and we find in this instance the committee, through their chairman, ask for the increase. This is not the time for very precise calculations as to the amount we may be willing to put at the command of the Government, for the defence of the republic.

The gentleman from South Carolina saw nothing improper in the course of the French, in relation to the recent orders of that Government concerning their fleet. Mr. S. said, whatever might be the design of the French vessels in sailing in this direction, he thought it would comport with sound policy for us to look to our navy, and in peace (perhaps he might say upon the verge of hostilities) to prepare for war. Under these impressions, he promised his humble aid to the committee in support of all the appropriation bills that went for a prompt and efficient defence of the Union. The Chief Magistrate ought to have ample means to meet any contingency; and he saw no danger in committing them to his discretion. We could not find safer hands. He had, during our last contest, given us a sure pledge of his patriotism and ability to carry on the military operations of the nation. His great skill, manifested in the darkest period of a war that he ended so gloriously, will, in the event of a contest with the French, do much to bring it to a speedy termination. The appropriation now asked is to be put at the command of General Jackson; and I am the more willing to commit it to his discretion, because, in my judgment, I believe he never will recommend war with the country of Lafayette, unless a just sense of national honor requires it. Mr. S. said he was convinced that every section of the republic would ardently support the war, if we should be forced into it by the French Government. France, it was true, was an early friend; and to raise arms against her would require

great provocation. But if her course leaves us no other alternative, why, we must and will enter the lists with her. We hear much about the strength and improvement of the French navy, of the science and skill of her officers. This is doubtless all true, but it argues the propriety of granting the appropriations before the Committee of the Whole House. Whatever may be the advanced condition of the French marine, and however gallantly they may sustain their cause, I have no fear that our "star-spangled banner" will not come out of every conflict beaming with renewed lustre. But I do not wish for war, and least of all a war with France, if it can be shunned with honor. At present, I think the question of war is not properly open for debate upon the amendment. When that time should arrive, if any gentleman from South Carolina or elsewhere should feel disposed to enter upon the discussion of its propriety, they will find themselves met on all quarters by gentlemen who are prepared to sustain the country in such a crisis. I quit this debate, under a firm conviction that, if we should be compelled to assume a warlike attitude, the sons of South Carolina will pour out their blood as freely as any other State in the Union, in defence of their much-wronged country.

Mr. BYNUM said that he had not expected an attack on the measures of the administration generally, on the subject of the propriety of an appropriation of an inferior magnitude; but it could not be unknown to the House that a simultaneous attack had been made elsewhere; and he could not allow the declamations of the honorable gentleman from South Carolina [Mr. THOMPSON] against the President, and the policy of an administration to which he in part had contributed his humble support, to pass unnoticed, when he believed the President had acted as became the Chief Magistrate of the American people. It was evident, both in this House and elsewhere, that in the contest with France we are to have here a French party and an American party, than which there was nothing that he more sincerely regretted. The game was up—it had been started in another part of the Capitol. It could not be forgotten by any gentleman in Congress, that during our last contest with Great Britain there was said to have been in this country an English party—a party which made bonfires and rejoiced at the defeat of the American arms. God forbid (said Mr. B.) that there should be a party now springing up among us, who would rejoice at our defeats in a contest with France, if we should be unfortunately involved in a war with that Power. But he asserted that, from what he had seen, the American people had a right to expect this. The symptoms indicating it he thought too manifest to be misunderstood. A few years ago, the distinguished sage who now occupies the white house was assailed on another occasion with equal acrimony and virulence by the same party, for the purpose of estranging, no doubt, the feelings of the people from him. That party then acted upon the presumption that the ignorance of the people would admit of their being led away from the President of their choice by mere clamor and unfounded declamation. Mr. B. then had said the people would not sustain them; they had not done it; and the great majority then in that House in favor of the measures of the Executive was the best living evidence of the fact; and he rejoiced that he had lived to read the testimony of the American people themselves on the subject, by the appearance of such an overwhelming majority of their Representatives in that House. If we had been carried off by the eloquent tact and abuse of the superior leaders of the opposition, and he confessed many were, we should have been led off after a set of men who were conspiring against the feelings and wishes of a great majority of the American people, without the least concurrence of sentiment or principle amongst themselves. Being foiled, however, in their attempts heretofore, they have agreed to try and get up another hobby, and have seized this occasion to vent their gall against one of the most patriotic individuals that has ever lived in this or any other country, and who had done more for the security of American liberty than any other man now breathing, the assertions of the gentleman notwithstanding; whose character the whole American people stood pledged to support, and which they had vouched for, by the overwhelming votes which he had received at their hands, more than once, for the first office in the gift of the nation. The gentleman from South Carolina [Mr. THOMPSON] had said that, in every position taken in relation to France, the President had acted falsely. If Mr. B. was to infer from that that the President had acted falsely with France, he denied it. The American President had not nor could he act falsely with France or any other Power living. In behalf of the American people he denied it.

[Mr. THOMPSON explained. He did not intend to say the President had acted falsely, but had taken false positions.]

Mr. BYNUM resumed. He said he was glad the gentleman had qualified the assertion. Then it was a mere matter of opinion between the gentleman from South Carolina and the President of the United States, and it would be for the great body of the American people to say whether the President of the United States was right in the position he had taken, or whether the gentleman from South Carolina was right in that which he had taken. Mr. B. said he most cordially agreed in the remarks of the gentleman from Kentucky, a few days ago, [Mr. HAWES,] when he said he believed that much mischief had grown out of speeches made here and elsewhere, through a mere spirit of opposition to the Executive. He believed it candidly and honestly. France believed it, and for this reason she acted more obstinately, he had no doubt, than she otherwise would have done, in her refusal to pay our people the just debt that she had wrongfully withheld from them for more than twenty years. The gentleman from South Carolina had said, too, that, if we were to go to war with France, it would be a ridiculous war. As much as he was opposed to a war with France or any other Power, he could not believe it would be a ridiculous war. The characters of the parties concerned forbid such an idea. It had been said elsewhere, and repeated here by the gentleman, shall we go to war with France for five millions of dollars? He would say, yes; and for five millions of cents, if it were necessary to maintain the honor and independence of the nation. He was astonished that such a position should be taken by the gentleman, coming from the quarter that he did; that it was the amount of money for which a nation should alone go to war. He hazarded nothing in saying that time would show that the course taken by the President, in relation to France, was not only right, but necessary for the honor and security of the rights and dignity of the American people. The American people had given, as far as public sentiment could be ascertained, their verdict already on this subject, in favor of the course of their Government; and still the opposition was catching at this and other hobbies, to bolster up their prostrate and exposed condtion. Mr. B. wished to make one remark here to an honorable gentleman of another body, and it became him to make it, coming from the State from which he did. He saw, in a public journal a few days since, some remarks, represented to have fallen from that honorable gentleman in another part of this building, which were (said Mr. B.) "that the House of Representatives was not the part of the Capitol where fair play was to be expected." He did not wish particularly to remark on the character of the author of the

assertion, as he thought it, at this time, politically, an exceedingly unenviable one. He took occasion, however, to say that the assertion was a calumny on the House, and was devoid of all truth. The House of Representatives was the only democratic branch of the national Legislature, and from it the people of the country had every thing to expect, and little from the opposite body.

The democracy of the land had nothing to expect from that quarter of this Capitol. It was the only germe of an irresponsible aristocracy in the Government, and it had in more than one instance showed entire disregard of the will of the people. The gentleman from South Carolina had said the House was not so pugnacious as to adopt the admonition that in time of peace we should prepare for war; and had said much, ironically he supposed, of the pugnacious spirit of the House.

Mr. B. said he should really like to know when the honorable gentleman from South Carolina had become so pacific, and the party with whom he had acted so long. But a few years since he recollected well that the golden cord that bound this holy Union together was upon the eve of being burst asunder by the warlike spirit that prevailed in a certain quarter of this republic, and it was as much as the whole fraternity of the States could effect to suppress this spirit without the horrors of bloodshed.

Mr. B. said he stood there the representative of those who went for their whole country. He stuck to no party longer than that party stuck to the rights and interests of the country. Whenever he should see a disposition in any party to go against those interests, he would leave it. He never expected to belong to a party which was free from errors; and if the gentleman never supports an administration until he gets a perfect one, he feared he would be found to be an opposition man for life. The gentleman has stated, also, that he could not take a single step for the defence of the country. He (Mr. B.) said he was for taking steps for the defence of the country when he saw a dark cloud lowering over us, which threatened to inundate the whole land with ruin. He was for providing a shelter from this portentous storm that hovered over us; wisdom, he thought, dictated it, whether it should finally burst and pour out its contents on our devoted heads or not.

The gentleman had taken off much of the bitterness of his remarks, however, by his explanations, and had gone far out of his way to censure the cabinet for the part it had taken in this controversy, and had declared in every instance our Government had been the aggressor in the contest with France. [Mr. T. again explained.] Mr. B. was astonished to hear this censure uttered by an American tongue on an occasion like the present, when a war is threatened us by one of the most powerful nations on the earth. He would say, as he had said before, that, instead of the President and the administration being the aggressors in this unfortunate controversy, they had acted with great moderation and precaution on every occasion relating to that subject. They had relinquished claims, for the purpose of effecting an amicable adjustment of the matter, to an enormous amount; but that was even misrepresented. The distinguished gentleman who was charged with the negotiation of this matter had relinquished this much to the French Government, for the sake of procuring peace and amity with that Power. The course which that minister pursued was to be seen on the records of the House, as well as on the records of the executive department, and he hoped to live to see justice done that distinguished individual. He viewed him as being one of the purest patriots of the age, and he hoped to live to see him the occupant of the House so much desired by some gentlemen and their friends. He thought the friends of the administration had suffered themselves to be placed in a false position here by the superior management and tact of their adversaries. What is the contest now going on in this country? He said, unequivocally, he viewed it as a contest between the democracy of the nation and the advocates of an aristocracy; and they were right in his judgment. It was a plain, direct contest. It must be plain to every intelligent observer, whether or not the people shall have the power to rule the nation, or those who conspire to lead them. Here he wished to be permitted to remark that this body should never have permitted the character of the Executive to be reproached, as it had been by another branch of the Legislature, when they were equally culpable, if at all, and participants in the same measures for which they had witnessed volleys of abuse against the Executive alone. He could not omit to remark on a subject recently agitated elsewhere, in relation to a certain measure which would have gone far to put the country in a state of defence, and ready to give their enemies a hearty welcome, whenever they chose to visit us as such. Every American heart must have burned with shame for the failure of that measure, the consequence of which was now about to be felt; and he feared that the injury already resulting from it would prove fatal to the best interests of the country. The failure to pass the bill, which was rejected last session, appropriating three millions of dollars for the defence of the country in case of a war, has been attributed to the House of Representatives; and he thought it time that this House should make up an issue with another, as well on that as on other subjects, and let at once the question be decided, whether the democratic or aristocratic influence is to prevail in this republic. It had been asserted in another body that it was this House which had rejected that bill. It had been attempted to shove the responsibility of the rejection of that bill on the House of Representatives; but it was shamefully untrue, and he assumed here in his place the responsibility of pronouncing it false, no matter from what source it came. The responsibility must rest on another body. He said the House was not responsible for the rejection of that bill. It had done all that it could do, under the peculiar circumstances of the case, to pass it, and there were many present who aided and contributed their mite towards effecting it. He had voted for the bill, and gave it his humble support. The responsibility of the rejection of that bill could not justly rest on this body.

But (said Mr. B.) I will return to the gentleman who has just taken his seat, to notice a few more of his extraordinary remarks.

The honorable gentleman from South Carolina was for acting on very different principles from that recommended, by the Father of his Country, "In peace prepare for war." He thought this advice came with peculiar applicability at present, and never was there a time when this House or this nation could with more propriety adopt it.

He had said that he did not wish, nor would he at this time be drawn, upon a mere collateral question, into the discussion of peace or war with France; but whenever that time arrived, he would be as willing to meet the question as the honorable member from South Carolina. He did hope, in the sincerity of his heart, that the question of peace or war, would never be agitated by this House with France. He had always hoped and believed that the difference between the two nations would be amicably settled, but he could not know it, and he thought it the part of wisdom, therefore, to provide for the worst. He was sorry to see evidences manifesting themselves not only here, but in another part of the Capitol, to throw every obstacle in the way of Govern-

ment; and he sincerely regretted to see it persevered in with such pertinacity from a certain quarter. He believed the whole efforts of the party doing it would prove, as heretofore they had, to be abortive, and contribute more to expose the motives of that party. The intelligence of the people was too general in this enlightened age, and their discernment too correct, to be misled by mere abuse and declamation to the disparagement of one whom they had honored with their highest confidence.

Mr. B. said that he deprecated any insidious attacks upon the measures of the administration, so long as he supported it. He was in hopes that gentleman who felt it their duty to oppose it, under any and all circumstances, would bring in some measure of a general nature, and not give vent to their indignant feelings upon every minor collateral question. He was satisfied, in his own mind, that the party with whom he acted was ready and willing to meet their adversaries on any and every occasion. They had done so, and a verdict had been given by the people—yes, the republican democratic people--in their favor. Yet, (Mr. B. said,) he had cause of complaint to make against the party with whom he had acted in this House: it was, that they had sat here silently, and let an issue be made up by another body with the Executive. This body, at which much had been aimed by another, in another part of the Capitol, should not have left the President to have contended alone against it. No, (said Mr. B.,) this House should have made war against them, as the true representatives of the people, and have met them in the very centre of the rotundo of the Capitol, if necessary, and have there decided the question, whether the people, through their representatives, were to prevail in ruling this country, or a body not elected by the people, nor directly responsible to them for their conduct. An issue was now about to be made up with those who fancied themselves beyond the power of the people, how far they could go in defiance of the public will, and sustain themselves. By an association of daring leaders, co-operating to sway public opinion, the whole republic had been convulsed. If they succeeded, in his opinion the public voice was hushed, and it would be idle to talk longer of our free republican institutions. He thought the time had nearly arrived, when it was necessary that the people should essay their strength, and teach those refractory men that their power was neither to be insulted nor put at defiance by them; and he called on the House, as the only representative body of the nation—the only one where the immediate voice of the people could be directly heard—not to shrink from its part of a responsibility that was attempted to be shuffled off on the shoulders of the Executive.

The Executive had done all that the people had asked, and it was their duty to sustain him, here and elsewhere. Heretofore, however, he had been literally sustained alone by the people, and had proven to be almost the only true reflector of the public will.

Here Mr. JARVIS rose, and observed that he perceived that the gentleman from North Carolina was much exhausted; and, in order to give him time to continue his remarks, he moved an adjournment of the House; which was carried.

The House then adjourned.

THURSDAY, JANUARY 14.

WEST POINT ACADEMY.

The following resolution, submitted by Mr. HAWES, of Kentucky, on the 7th instant, was taken up:

"*Resolved*, That a select committee of nine be appointed to inquire what amendments, if any, are expedient to be made to the laws relating to the Military Academy at West Point, in the State of New York, and also into the expediency of modifying the organization of said institution, and also whether it would not comport with the public interest to abolish the same; with power to report by bill or otherwise."

Mr. HAWES said it would be recollected that, at the last session of Congress, a committee, consisting of one member from each of the States, had been appointed, and that committee went into an investigation of the affairs of that institution. That committee performed the duty assigned them, but their report was made at so late a period of the session that it was impossible for the House to act upon it. The resolution which he now submitted varied but in one particular from the one adopted, raising the committee of last year; and that was in reducing the number of the committee. From the number of that committee, it was almost impossible to get them collected for business. The number was entirely too great. As this was a mere resolution of inquiry, he would say nothing of the abuses which existed in that department of the Government, but hoped the resolution might be adopted without debate, so that the committee might proceed to the duty assigned them.

Mr. WARDWELL said he thought that this subject ought to be referred to the Committee on Military Affairs. He believed that the committee of twenty-four, which was appointed last session, had investigated the subject fully. Their report was brought into the House, and it set forth all the facts which we wanted to know. He would therefore move to amend the resolution so that the subject might be referred to the Committee on Military Affairs.

Mr. SMITH wished the gentleman from New York [Mr. WARDWELL] would give some substantial reasons why the subject ought to be referred to the Committee on Military Affars. It seemed to him that a special committee ought to be raised; but if the friends of the institution thought that a special committee would not do them the same justice which the Committee on Military Affairs would, and they would offer that as a reason, he would withdraw his objections. As there were doubts about the organization of this academy, it was desirable that a committee should be raised, which could devote as much time as possible in bringing out the merits or demerits of the institution. He believed that the Committee on Military Affairs would not have time, although they might have the disposition, to do the subject justice. He believed a special committee would do ample justice. He hoped the gentleman from New York would withdraw his motion, or that it would not prevail.

Mr. BRIGGS thought that the subject had already been referred to the Committee on Military Affairs, by the general resolutions referring the different items of the President's message to committees, and therefore inquired whether the present resolution was in order.

The SPEAKER said that the present resolution was one of inquiry; and he considered the reference of the President's message as not applying to the case.

Mr. BRIGGS then said he would vote for the amendment of the gentleman from New York, because he thought the subject ought to go to one of the standing committees. It had been said by the gentleman from Kentucky, [Mr. HAWES,] that, in consequence of the number of the committee of last session, it was almost impossible to get them to business. He thought the gentleman labored under a mistake. That committee had a meeting early in the session, and appointed a subcommittee to investigate the whole matter, and that committee went industriously to work. After their investigation was completed, they made an elaborate report. The committee adopted that report, which report was now on the files of the House; and if gentlemen wished information from it, they could order it to

be printed. It was because this subject had been so recently and thoroughly investigated, that there was no necessity for further investigation. He would vote for the amendment of the gentleman from New York.

Mr. REYNOLDS, of Illinois, remarked that the people he had the honor to represent in the State of Illinois, took a deep interest in this subject, and were he to remain silent on the occasion, they would consider him derelict in his duty. They expected him, on all occasions, to advocate such measures as would tend to reform this institution, or to abolish it entirely. This was the reason which induced him to rise on this occasion. It was astonishing to him (Mr. R.) that gentlemen, friends to this institution, were so strenuous and so much opposed to an investigation of this subject. If it be an institution founded on a proper basis, and conducted on sound republican principles, they need not fear an investigation; if it be of this character, an investigation will not injure it; neither time nor talents can prevail against it. But the great dread of an investigation was almost positive proof that there was something wrong in the institution.

Mr. R. said his honorable friend [Mr. BRIGGS] tried to stifle this investigation, by his attempt to satisfy the Speaker that the subject was already referred to the Committee on Military Affairs. This was strong circumstantial proof that there was in this affair something not right. The other gentleman [Mr. WARDWELL, of New York] wished to have the subject referred to the Committee on Military Affairs. Mr. R. said he had the highest respect for that committee; but some of them, and perhaps all of them, had already expressed an opinion on the subject, in a report favorable to that institution; and, from this consideration, were not so impartial as a select committee raised expressly for the occasion.

Mr. R. remarked that an official investigation, and that made known to the people, would cause the institution at West Point to wither and die. Under its present organization, the young men who ought not to be educated there were the exclusive individuals that were educated in it; and, what was still worse, it was made a kind of monopoly. The cadets educated there were the exclusive officers in our army, right or wrong; they were the officers who were to conduct our armies to glory or disgrace; and it mattered not what deeds of valor the privates in the army might do, they could not rise, as there were no places for them; the cadets filled all. A private soldier in the war which seems to be approaching us might do as noble a deed as the character of antiquity did who slew Goliath; he still could not rise one foot in the army. He would appeal to the House if every individual did not expect to rise by his merits? The gentlemen, [Messrs. WARDWELL and BRIGGS,] like others in Congress, would expect to be rewarded for their meritorious conduct. His friend [Mr. BRIGGS] from Massachusetts, no doubt, would be supported by his constituents for his moral and orderly course of conduct in Congress, and his assiduity to business. The same would apply to the gentleman from New York, [Mr. WARDWELL.] The principle was correct to reward meritorious actions, and an institution or measures that opposed this principle were in themselves wrong. Any person that would look at the report made at the last Congress on this subject would be satisfied that there was something not right in the institution. If the friends of the Academy would let that report be printed, and officially presented to the people, that would be satisfactory. Mr. R. said he hoped, under all the circumstances, the motion of the gentleman from New York [Mr. WARDWELL] would not prevail, but that the subject would be submitted to a select committee, under the resolution of the gentleman from Kentucky.

Mr. WARDWELL did not wish to take up the time of the House in discussing a preliminary question, but his friend from Illinois [Mr. REYNOLDS] had said that the Committee on Military Affairs had expressed an opinion on the matter. It was not the committee of the last session which expressed that opinion, but the one preceding that, which was a different committee entirely. The committee of the present body had expressed no opinion on the subject. But it was very probable that some of those who would be on the select committee had expressed opinions adverse to the institution. The last Congress had refused to print the report. He protested against having so many select committees on subjects which ought to go to standing committees. He was willing to have the institution examined—yes, probed to the core; but let it be done by the proper committee. He would say a few words in reply to the gentleman from Illinois. Why was it that all this objection came from the western States? It was, he thought, because all persons in those States who had any topographical knowledge, might expect some employment from Government, which business is now done by the graduates of the institution at West Point, without cost to the Government. If, however, that institution was abolished, and those engineers not sent among them, there might be some fine offices for the young gentlemen of the western country. No wonder that western gentlemen's constituents were in favor of abolishing that institution.

Mr. HANNEGAN had a few remarks to make on the subject. He was a member of the select committee of the last session, and would say that it was not in the power of the Committee on Military Affairs to give the subject the attention which it required. The committee of last session made their report to the House, and the gentleman from New York [Mr. WARDWELL] tells us that the House refused to print that report. Why did the House refuse? Because it required two thirds to make the motion to print, and the friends of the institution rallied around it and refused to print. That gentleman said that the West alone opposed that institution. He (Mr. H.) knew gentlemen from the East, South, and the North, who opposed it. That gentleman also said that the young gentlemen of the West expected good offices if the institution be abolished. He (Mr. H.) would be glad to have the offices given to those who came from the ranks of the people, and not to the sons of those were now in high office. He hoped and trusted that the resolution of the gentleman from Kentucky would be adopted, and that a thorough investigation might be had.

Mr. HAMER said he could not see what possible objection there could be to the resolution of the gentleman from Kentucky. On one hand it was contended that it was one of the most aristocratic, and on the other that it was one of the best institutions that ever was established. Why, then, not allow us to collect facts, so that we may be enabled to make up an impartial judgment on the subject? A large portion of the people of the country believe that the institution ought to be abolished; then let an investigation be fully had. Mr. H. would say a word to the gentleman from New York, [Mr. WARDWELL.] He is mistaken; the people of the West are governed by no such motives as those attributed to them by that gentleman. That gentleman admits that a band of men are sent out to fill all the important offices; men who are the friends and relatives of those who are in high station, and who have political influence. The sons of men high in office are educated at that institution, and those men are sent out to fill all the high offices in the western country. If the people of the Mississippi valley educated their sons at their own expense, why should they not be appointed to those offices? If they are capable, let them have the offices. He object-

ed, and his constituents objected, to the existence of the institution in its present form. He therefore hoped there would be no objection to an investigation.

Mr. MANN, of New York, desired to make a few remarks upon the subject before the House; but, as the morning hour had expired, he called for the orders of the day.

The motion was agreed to.

NEW YORK SUFFERERS BY FIRE.

A bill from the Senate for the relief of the sufferers by fire in the city of New York was read twice.

Mr. CAMBRELENG said this bill was the same in substance, and differed only in words, from the one which was reported by the Committee of Ways and Means. It would not, therefore, be necessary to refer this bill to that committee. He moved that it be committed to a Committee of the Whole on the state of the Union; which was agreed to.

The House then, on motion of Mr. CAMBRELENG, resolved itself into a Committee of the Whole on the state of the Union, Mr. CONNOR in the chair.

Mr. CAMBRELENG said he felt it his duty to throw himself upon the indulgence of the committee, and ask them to take up and consider the bill from the Senate for the relief of the sufferers by the late fire in New York. His reason for doing so, he explained to be, that the whole business of the custom-house at New York was obstructed, and must remain obstructed so long as that bill was not passed; for every bond due was lying over, and no entries could be made until those bonds were cancelled.

The bill, he said, as it then stood, and was sent from the Senate, did not embrace that provision which had before excited opposition in the House in relation to the surplus revenue. Its object was simply to extend accommodation to the debtors of the Government, who had been unable to pay their debts, from the loss of not less than twenty-five millions of capital in the city of New York. He therefore moved that the committee take up the bill from the Senate in relation to that subject.

The motion was agreed to, and the bill was read from the Clerk's table, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the collector of the port of New York be, and he is hereby, authorized, as he may deem best calculated to secure the interests of the United States, to cause to be extended (with the assent of the sureties thereon) to all persons who have suffered loss of property by the conflagration at that place on the sixteenth day of December last, by the burning of their buildings or merchandise, the time of payment of all bonds heretofore given by them for duties, to periods not exceeding three, four, and five years, in equal annual instalments, from and after the day of payment specified in the bonds; or to allow the said bonds to be cancelled, upon giving to the said collector, for the sums of the former bonds, respectively, payable in equal instalments in three, four, and five years, from and after the day of payment specified in the bonds to be taken up or cancelled as aforesaid; and the said collector is hereby authorized and directed to give up, or cancel, all such bonds, upon the receipt of others described in this section; which last-mentioned bonds shall be proceeded with, in all respects, like other bonds which are taken by collectors for duties due to the United States, and shall have the same force and validity: *Provided*, That those who are within the provision of this section, but who may have paid their bonds subsequent to the late fire, shall also be entitled to the benefit of this section, and that the said bonds shall be renewed from the day when the same were paid, and said payments refunded. *And provided, also*, That the benefits of this section shall not be extended to any person whose loss shall not be proved, to the satisfaction of the collector, to have exceeded the sum of one thousand dollars.

Sec. 2. *And be it further enacted*, That the collector of the port of New York is hereby authorized and directed to extend the payment, in the manner prescribed in the first section of this act, of all other bonds given for duties at the port of New York prior to the late fire, and not provided for in the first section, as aforesaid, for six, nine, and twelve months, from and after the day of payment specified in the bonds: *Provided, however*, That nothing contained in this act shall extend to bonds which had fallen due before the seventeenth day of December last.

Mr. CAMBRELENG explained that the only variation between this bill and that reported in the House was as to the limitations, and the more specific designation of the kind of property destroyed. Under former acts of this character, the amount of property destroyed merely was set forth; the Senate had, he thought very properly, inserted the qualification of property, and he hoped it would be approved of by the House.

Mr. HARDIN said, as the Senate had made the alteration, none would be entitled to any benefit who had not sustained a loss to the amount of one thousand dollars; and sufferers to that extent were to have a credit to the extent of three, four, or five years, without interest, that he understood. But he did not understand the proviso in the same clause, because it appeared to authorize loaning money out of the public Treasury, by way of renewing the old bonds. The money to be returned, without interest, upon three, or four, or five years, upon the cancelled bonds, was nothing more nor less, he maintained, than loaning so much money to the merchants of New York who had goods destroyed to the amount of one thousand dollars. The poor mechanic, the widow, the orphan, could derive no benefit from this bill. But he objected to it also on principle: He was opposed to loaning the public money, either with or without interest; and he denied the power of the Government to loan its public treasure in this way. He knew that bills had heretofore been passed for the relief of sufferers under a dreadful calamity at Caraccas, Alexandria, &c.; but that was done under the impulse of feeling. Could Congress relieve every citizen of the United States, who might be overcome by calamity, or afflicted by Providence? How many ships were lost upon the ocean! How much property lost! And who ever heard of bills introduced there for relief in such cases? There were said to be some fifteen millions of property destroyed at New York; but the chief loss had fallen upon the insurance offices, not upon the merchants. Probably not more than three, four, or five millions were lost by the merchants. The gentleman had said that more than one half the revenue was collected in New York—more than five millions of dollars. Well, all that money remained there, deposited in pet banks, and used for the benefit of the merchants of New York, without the Government deriving a dollar's benefit. Mr. H. moved to strike out the proviso to the first section. He said, also, he should move to strike out the second section, and then he intended to vote against the bill.

Mr. GIDEON LEE said: It is not my purpose, sir, to participate in the debates of Congress the present session; but the extraordinary occurrence which has induced the report of the bill before us, the very singular amendments proposed by the gentleman from Kentucky, and the deep interest I feel in the speedy resuscitation of that devastated city, compels me to depart from the silent course I have prescribed for myself.

The gentleman's amendment proposes, first, to strike

out the proviso in the first section, the whole of the second section; and, finally, the gentleman promises, when so amended, to vote against the whole bill. My arguments will, therefore, have reference to the whole bill, and I promise the utmost brevity. But, first, I must disclaim the honor of the biblical title of Babylon, which the gentleman has given to New York. I must also disclaim the honor he ascribes to us, of governing the four-and-twenty States. We feel no such honor; we exercise no such power; and if the gentleman means the State, which is not precisely the basis of the present discussion, he is still mistaken. That ill-fated city, sir, in a single day, by an act of God, which no human foresight could avert, which no human arm could stay, has lost more than one fourth of its entire assessable personal estate. That desolated city stands a debtor to the nation in the sum of three million six hundred and sixty-eight thousand dollars. The bill before us proposes not to forgive the debt—not to diminish the principal sum of the debt—not to jeopard it; it proposes merely to postpone the payment from the dates of maturity to the several dates named.

Mr. Chairman, permit me to view this case as it really is: the nation a rich and prosperous creditor; the devastated city not an insolvent, but a debtor oppressed by a calamity unparalleled in the two hundred years' history of this country, and rarely equalled in any age of any country. It has ever been the common sense of mankind that the relation of debtor and creditor imposed mutual obligations as well as mutual interests. It has ever been the practice of mankind in this relation, under great calamity and privation of means on the part of the debtor, to claim and receive from his full-handed creditor not only the kind of relief provided in this bill—postponement of payment—but advance, moreover, of money or other necessaries. Shall we depart from a principle of ethics and a rule of practice sanctioned by all ages and by all grades of men? No, sir, motives of self-interest forbid it—motives of humanity forbid it.

There is in the case under discussion, sir, something more than the mere simple relation of debtor and creditor between the parties. There is in this case, and most strongly marked, the nearer and closer relation, and the stronger obligations, of employer and agent, of principal and factor; and this debt, sir, has accrued, not partly, but wholly, in the performance of the duties of such agency. It has been the policy of this nation—a policy so discreet, so wise, and sound, that I trust it may never be discontinued—to collect the necessary funds for the support of Government from masses of property, prior to those minuter subdivisions for the consumption of the community, avoiding thereby the more tedious, the tenfold more costly and more offensive mode of thrusting the unwelcome tax-gatherer into the domicils of our people, for the ancient mode of capitation, tithe, or small property tax.

It has been found the mutual interest and the mutual necessity of the parties, that the nation should collect very nearly two thirds of its impost revenue through the agency of the city of New York. More than two hundred and sixty millions have been thus collected and paid into the Treasury. How skilfully or unskilfully this duty has been performed I will not pretend to define; the Treasury records will give the answer. I would not be understood to intimate that New York has paid a single dollar from her own coffers more than her just quota. Every body knows that the consumer of the merchandise, wherever may be his location, is the ultimate payer of the import tax. Nor do I claim that such agency has been profitless or onerous. I have already said that the interests of the parties were mutual. My object is merely to exhibit the existing fact, and to deduce from it the very cogent argument for the postponement of payment, that the debt we owe the nation has arisen, and unavoidably arisen, in our relation of agent to the Government in the collection of its revenue, which, by an act of God, we are at present unable to pay. Every body knows, sir, that the process of such collection—and I will add the process of creation, too—of the imports, is by and through the importation of foreign merchandise; and it is equally well known that the means, and the only instrument of the whole performance, is capital. This capital is annihilated, or so greatly diminished, that gentlemen may be assured a fearful derangement must ensue unless we derive large temporary assistance somewhere.

There is, sir, a third relation between this ill-fated city and the nation, which claims strongly her protection. I mean, sir, that common relation which every great political or social community owes to all its parts, and all its parts owe to the whole.

We ask this relief, then, sir, first, on the principle of our relation to the nation, as a debtor of impaired means, with a creditor whose coffers are over-full. Again, sir, we ask it on the principle of our relation as agent, suddenly bereft of the very implements of our agency, while our principal is possessed of a superabundant supply. And again, sir, we ask it in conformity with the common, social, equitable obligation which a great and prosperous community owes to each and all its parts, which, from sudden and unavoidable calamity, require such aid. May I say, sir, we do not ask it in the spirit of supplication, humiliation, and alms-giving. The city, sir, though devastated, has yet remaining means. She is rich in the insuppressible spirit of enterprise, and in the unmitigated industry of her citizens. She merely wants temporary aid. She asks of you in this bill the indulgence of deferring payment until she can render her remaining means available. Will the nation look calmly on, and close its door on us, while all around us elsewhere have opened their hearts, hands, and coffers to us? Will the frugal but equitable East, will the hardy but generous West, will the mounting chivalry of the South, will the most prosperous nation that the sun of heaven ever shone on, refuse the credit which so many reciprocal interests and mutual obligations enforce? She will not; I know she will not. Is there any legal or constitutional bar to such postponement? None, sir: your records are full of precedents precisely in point; the only dissimilitude is in the magnitude of the loss in this and former cases—the devastation in this being some twentyfold greater than in those. Will that unfortunate city be the only beneficiary of the measure? By no means, sir. In its commercial intercommunications with every part of the nation, it has become largely a creditor. And this mass of commercial credit has been most frightfully swollen by the sale and hypothecation of the public stocks of nearly every State of the Union. But now, without this aid from Congress, the sudden abstraction of so large a portion of our moveable capital by the conflagration must compel us to force our commercial debtors, and to press the return of a tremendous amount of stocks to the several States of their creation. It is charged by the gentleman from Kentucky, as against the bill, that the relief reaches no other sufferers than the merchants. He is mistaken; for although the provision is intended chiefly for that class, as the chief sufferers, and other aids are preparing for other classes of sufferers, yet such is the diffusive nature of capital, and such the laws ruling the existence, the formation, and the blended intercourse of the people which make up the great whole of a dense commercial city, that it is quite impossible to place capital in any class or in any position which will not extend itself beneficially to all. The laborer, cartman, mechanic, all, all will feel the assistance. I may myself be benefited, who have been a mechanic these forty years, and

have neither ships, nor bonds, nor imposts. But were it otherwise, should we withhold it? Are the merchants not men? Are not their families women and children? Are they not subject to the same wants—hunger, thirst, griefs, dismay, ruin—as other folks? And because a merchant has lived well, and is now devastated, will he feel want and ruin the less poignantly on that account?

Mr. Chairman, I have detained you too long. I have endeavored to confine myself strictly to the argument. I have meant to suppress all unnecessary detail. The peculiar relation I stand in towards the sufferers would not permit me to say less. Had I not prohibited myself, it were easy, sir, to give you volumes of detailed individual loss, distress, dismay, more affecting to the mind, more appalling to the heart, than the great view of the desolation.

I think the bill ought to pass; I trust it will pass.

Mr. CHAMBERS, of Pennsylvania, said, the only power existing in the Government by which this bill could pass under the constitution and the laws, was the relation between debtor and creditor. He maintained that the money paid, the Government was not only bound to hold it, but had no right to return it. Mr. C. should vote in favor of the motion of the gentleman from Kentucky, [Mr. HARDIN.]

Mr. VANDERPOEL said that, appreciating and admiring, as he did, that humane, liberal, and high-minded feeling, which should ever characterize an assembly composed of the representatives of a great and magnanimous nation, he had not permitted himself to doubt that the bill under consideration would pass, if there was no constitutional objection in the way of its passage. The greatest calamity with which the elements had ever scourged any city on this continent formed the occasion for the appeal which was made in behalf of many of the enterprising and ill-fated citizens of one of your commercial cities. The disaster was one of unprecedented violence, and gentlemen should not too readily have startled, if the remedies proposed had even exhibited some extraordinary characteristics, which he humbly conceived that the provisions contained in the bill did not do. To call for chapter, and rule, and precedent, and section, to justify means of relief in such an emergency, would (he spoke it with all due deference) be too stoical a requisition for the occasion. It would be a libel upon legislation, under free and constitutional Governments, for it would be virtually saying that, in legislation, the head could never approve what the heart most eloquently dictated.

That the bill for the relief of the New York sufferers, frame it as you might, would be opposed, was indeed to have been expected. It was to have been expected that that jealous vigilance over the public interest and the national Treasury, which, salutary as it was in the main, so often detected objections and bugbears which its own creative energies only produced—it was to have been expected that this never-sleeping principle would, in any event, occasion some opposition to the bill; but the friends of the bill still hoped that when honorable gentlemen came to weigh all the arguments and considerations, derivable not only from precedent, but from principle, that could be urged in favor of the bill, they would not have the heart to give it their negative; for he firmly believed that they would not have the argument of the heart alone to justify them to their constituents; but that reason, justice, expediency, and even precedent, should plead their justification.

Were gentlemen aware that the statute books abounded with precedents to justify the relief proposed to be given by the first section of the bill, extending the credit upon the revenue bonds? He had collected a few, and he believed only a few, of the acts which Congress had passed to relieve those who had been overtaken by such a calamity. In 1803, the town of Portsmouth, in New Hampshire, was visited with a destructive fire, and Congress on that occasion promptly interposed and passed an act for the relief of the sufferers, similar in principle to the first section of the bill now under consideration. It authorized the collector at Portsmouth to cancel the old bonds, and take new ones, and to extend the credit given by the old bonds. In 1807, it seems that Portsmouth was again visited by a similar calamity, and the like relief was given by Congress. In March, 1804, an act was passed for the relief of the sufferers by fire in Norfolk, similar to those which were passed in the cases of Portsmouth. It will be recollected that, in 1820, a fire swept away a considerable portion of the city of Savannah; and you will find in your statute book a similar act for the relief of the Savannah sufferers on that occasion. Here, then, were precedents in abundance to justify the interference of this House, if there was any weight in precedents.

But, by examining these same statute books, it would be found that Congress had not limited their relief against such calamities to the mere extension of the bonds given for duties, but had also, on various occasions, wholly remitted the duties on the goods destroyed, and that, too, on a principle that he considered to be entirely defensible. Under our system of indirect taxation, it was intended that the consumer should actually pay the duties upon goods imported into the country; and if those goods were destroyed before they went into the hands of the actual tax payer, it was right that they should be refunded to him who had thus, in anticipation, paid them to the Government. If Congress had, then, as he asserted, on a variety of occasions remitted the duties, and the principle of such interposition could be supported, he could imagine no difficulty in supporting this bill on the ground of principle; a bill which did not at all propose to relinquish the debt to the Government, but only to extend the time for payment of it.

The gentleman from Kentucky, [Mr. HARDIN,] and the gentleman from Pennsylvania, [Mr. CHAMBERS,] had objected to the bill because, as they seemed to suppose, it dispensed charity. He (Mr. V.) did not consider that the bill at all involved this principle of charity. Your great importing merchants were your agents, to bring into the country the means of raising revenue. You were the principal. The arm of your agent was crippled by a certain catastrophe, which no human skill could guard against; and the question was, whether you would let him sink, and be disabled from bringing into the country any more means to enlarge your revenue; or whether you would, by a little indulgence, encourage and enable him to go on in his occupation of enterprise, and bring from abroad new means of swelling your Treasury. All gentlemen would agree with him, that not one single dollar's worth the less of foreign goods would be consumed in the country, by reason of the immense mass of goods that had been destroyed in New York. The vacuum occasioned by the devouring element must, and would most assuredly, be filled up; not a coat less would be worn, not a cent's worth of groceries the less would be consumed. What, then, would be the consequence to the Government? Why, sir, the Government would actually make money out of that which had blasted the hopes and annihilated the property of so many enterprising individuals. It would realize the duty upon the goods destroyed, upon the goods for which the bonds in question were given, and then derive an additional revenue from the immense quantity of goods that must and would be imported to supply the deficiency. The Government would then inevitably gain much by means of an event which had created so much individual distress; and would we not, should we not, when we were to be the recipients of so

much gain, extend a little indulgence to our unfortunate creditors? He humbly conceived that policy and expediency, as well as justice, dictated this course; that an opulent individual creditor would, under like circumstances, grant to his unfortunate debtor all the relief provided for by the bill. Suppose a debtor engaged in some occupation which consequentially produced much gain to the creditor; suppose him overtaken by a severe calamity, which paralyzed his energies and disabled him without some relief from further prosecuting his business, so directly profitable to himself, and so incidentally profitable to the creditor: would the latter, sir, considering his own interest, hesitate to extend his bond? He would do this, and be apt to go further, and make a new loan. Self-interest, if no better motive, would prompt him to do this; and was the arm of Goverment so tied up that it could not, in such a case, do for its own interest what an individual would do? He did not believe that we were so lamentably impotent.

It had been remarked by gentlemen, that the proviso to the first section of the bill was objectionable, because it provided for cases where bonds had already been paid. He did not consider this objection at all sound. If we legislated at all, we should do it in such a way as at least not to be subject to the imputation of partiality. Why should not those sufferers who had been compelled to pay their bonds participate in the benefits intended to be secured by the bill, equally with those whose bonds were unpaid? They had paid, because they could not enter their goods when their bonds laid over. Was this compulsory promptness, this inconvenient abstraction from those funds which were necessary to enable them to further prosecute their business, was this to operate against them? He hoped and confidently believed that the bill would pass this House without amendment.

Mr. McKEON said, that in presenting himself to the committee, with a view of offering some remarks in relation to the subject then under consideration, he trusted the committee would find in the catastrophe which excited the consternation of the whole country, and called forth the bill on the table, sufficient apology for his rising. He should be wanting in the duty he owed to the city which he had the honor in part to represent, and in gratitude to a constituency which had for years honored him with their confidence, if, on an occasion like the present, he did not endeavor to make known to the committee the claims of his fellow-citizens. He confessed that he was surprised to witness the observations made in opposition to the measures then under consideration. The relief asked for in the bill was so partial that he had hoped no objection would have been raised; but, since it had been, it was his purpose, if the committee would favor him with their attention, to point out the propriety of the passage of the bill. An awful calamity had fallen upon the city of New York. It was not his intention, even if he had the power, to attempt to arouse their sympathies, by depicting the scenes of destruction which now might be visible in the commercial emporium of the Union. It was not his intention to describe the effects of a conflagration which had never been equalled, in its devastating and sweeping fury, on this continent. Our public journals had been filled with appalling statements of the misfortunes of our merchants; with descriptions setting forth that the section of the city most devoted to mercantile operations, with its hundreds of stores and warehouses, and its millions of property, was now a pile of smoking ruins. The misfortune of New York was a national misfortune. This blow, struck at the commercial mart of the country—this wound, given to the very heart of the western world—was sufficient to paralyze for a time the industry of the nation. It must alarm the capitalist—it must dishearten the manufacturer—it must harass the agriculturist: in a word, in must penetrate into the most distant spot, diffusing dismay throughout every portion of this vast confederacy, wherever human industry was active. To follow the ramifications of such an event was impossible. Those ramifications were, as had been well expressed in another branch of this Legislature, so "complicated and implicated" that pursuit was impracticable; but so intimately were all the great interests of the country united, that the vibration must be felt in every point, with greater or lesser influence. If the smallest pebble thrown into the stream of commerce was sufficient to disturb the smoothness of its current, what must be the effects of a convulsion like this, which had, as it were, upturned the entire bed of the mighty river itself? It was a national calamity, and in that point he wished it to be viewed. So far as relief could be granted to the city, he was confident that when it was taken into consideration that thousands actively engaged in business, consisting of merchants, and all connected with them in their transactions, had, in the very midst of an inclement season of the year, been thrown out of employment, their business disturbed; that confusion reigned where but a few hours before all was order; and that in the hour of affliction, while with unsubdued spirits these very citizens were rallying their scattered force, while they were calling upon the Hercules of the General Government for assistance, yet they were exerting every means to rise above the troubles with which they were oppressed—he felt confident, he said, they would not refuse the sanction of that committee to the bill. We do not, continued Mr. McK., in this bill ask for a remission of duties—a question hereafter to be presented, and which he hoped to see adopted. There is nothing in this bill with regard to the surplus moneys of the Government. He wished gentlemen to understand these points. He wished to remove impressions which he was aware existed in the minds of many, in relation to the provisions of the bill. The first section provided for an extension of the time of the bonds of all persons who had suffered loss by the fire of the 16th of December last, for periods not exceeding three, four, and five years, in equal instalments, from the day of payment specified in the bonds. It also provided for the cancelling of the bonds, upon others being given with proper sureties, payable in the like space of three, four, and five years. To the first section were annexed two provisions. The first, that those who were within the provisions of the act, and who may have paid their bonds subsequent to the fire, should be entitled to the benefit of the first section—that their bonds should be renewed, and the payments made on them refunded. The second provision denied the benefit of the section to any person whose loss did not exceed one thousand dollars. This section was not only founded upon every principle of justice, was dictated by every maxim of sound policy, but was in accordance with the settled practice of the country. Nothing novel was presented in that part which provided for the extension of the bonds. They would find in their statute book law after law, from the year 1803 to 1820, sanctioning the principle of this section. They would discover the cases, already referred to, of the sufferers by the fires which occurred at Portsmouth, at Norfolk, and at Savannah, and in which the extent of the calamity giving rise to the legislation was not to be compared with that of the city of New York. The section was fortified by precedents, to which he solicited their serious consideration.

The gentlemen from Kentucky and Pennsylvania [Messrs. HARDIN and CHAMBERS] objected to refunding the money already advanced by the debtors of the Government. We had no right to pay back the amount. There can be no doubt, sir, as to our right. The whole question is in our hands. We are here to adjust the

differences between the Government and its debtors. We are here to do justice towards all those debtors. So far as those who have paid their bonds are concerned, would it not be refusing to them the kindness which we intend to give to all debtors of the Government, if we do not provide for a future period of payment? It would be cruelty to take advantage of their situation, and hold the money they were compelled to pay, in order to fulfil the law, and that they might enter their goods. If we intend to extend the time, let us extend it for the benefit of all who have suffered. Standing in the relation of a debtor overtaken by a sudden misfortune, the merchant has a strong claim upon the Government, with an overflowing Treasury, for forbearance, for time to meet the payments of his bonds. Is it prudent to harass your debtor? Is it not wise to sustain him in his efforts to obtain the means of satisfying your demands?

To the second section of the bill, which provided for an extension of all other bonds given prior to the late fire for a period of six, nine, and twelve months, he had anticipated objection. To many it might appear strange that the bill should extend in its provisions beyond the actual sufferers by the fire. Many would object (as had the member from Kentucky) to an extension of time without the exaction of interest; and many might imagine a preference would be given to the port of New York over other sections of the country.

He (Mr. McK.) was prepared to show that analogous cases could be found for the legislation which was now asked for. Congress had from time to time extended to the debtors of the Government, owing large sums on the purchase of public lands, the period of payments, and had at length not only released the interest, but also deducted a large per centage of the principal. Against such measures no objection ought to have been raised--it was part of a just, liberal, and sound policy, calculated to foster the enterprise and give an impulse to the industry of a large section of country. He therefore desired that the same principle which had been adopted in regard to the branch of the public revenue derived from lands should be extended to that received from the customs. If there had been extension and forbearance in one case, he hoped the same policy would be pursued in this instance. No deduction was solicited; merely further time for payment. The fire (Mr. McK. said) had not only affected those whose goods were destroyed, but every man in business of any nature in the city of New York, and particularly merchants. Their operations must be crippled by the destruction of a large amount of capital; millions upon millions, the result of the labors of years, the accumulations of enterprise, had been entirely annihilated, totally abstracted, and the commercial community must suffer thereby to a considerable extent. The gentleman from Pennsylvania [Mr. CHAMBERS] remarked there was no evidence of the true state of losses. The committee had no estimate before them. He (Mr. McK.) was in possession of a statement from which some calculation might be made of the immense amount of property destroyed. It was the result of the labors of a committee which reported to a meeting held in the city of New York, the mayor presiding, and from which it appeared that the whole number of buildings destroyed is ascertained to be 527, exclusive of the Exchange and the South Dutch Church, and may be fairly valued at $4,000,000, which is a fraction over $7,000 each, and is generally considered a correct estimate. As far as the committee could ascertain, less than one half only of the mercantile houses have reported their loss in goods by the late fire. By duplicating this amount, ($6,557,846,) we have $13,115,692, as the probable total sum destroyed in merchandise of all descriptions. Add to this the estimated value in buildings, $4,000,000, and the whole loss may be calculated at $17,115,692. This amount was far below the actual loss; upwards of twenty millions of capital had been sunk; and to relieve the community from the effects of the withdrawal of this amount, measures must be adopted, and without delay, if the country did not desire to see a prostration of a large portion of our mercantile population. The gentleman from Pennsylvania referred to the fact of the most of our merchants being insured, and the probability of their being indemnified by these insurance companies. He (Mr. McK.) had been furnished with a statement, by a member of the committee of the merchants from the city, in whose intelligence he had every confidence, setting forth that there were eighteen insolvent companies representing a capital of $6,850,000, and six solvent institutions amounting to $1,900,000. These millions, which performed many functions in the financial operations of the city, were now lost to the merchants. Under the present bankruptcy of the insurance offices, the merchants must be suffering. The payment of even the small amount which may be paid by the solvent companies could not be calculated upon under many months, and during that period the insured must be embarrassed to a great extent. So far as indemnity was concerned, there was no prospect. The remark had been made, in the course of the discussion, that New York was able to sustain herself; that we heard of no failures, therefore we were not called upon to act. He did not understand that, because extraordinary, he might say superhuman, efforts had been made to sustain the credit of the city, we ought to refuse assistance. These efforts, while they redound to the honor of the merchant, ought to arouse us to assist men capable of making such powerful struggles against misfortunes.

Why do they here present their memorials? Because they cherish their commercial character; because they value their credit as their very life blood; because they wish to protect it from the slightest breath of suspicion. They well know its mighty efficacy in giving wings to the enterprise of our citizens. They are well aware how it has carried onward our commerce, and that with the loss of that credit must sink the high character which the American merchant now sustains throughout the commercial world. For these reasons they appear here; and let it not be said that you permitted the honor of your merchants to be jeoparded in the hour of an unexampled calamity; that you refused to extend to them the generosity of the nation. Why was the credit system originally adopted? To aid with your capital the rising commerce of the United States. Your merchants had industry and enterprise, but they wanted capital. It was granted to them, and the magnificent results show the sound policy of your movements. The reason which operated then, applies with great force to the present case. Your merchants are now operating with a capital diminished twenty millions and upwards, and to that extent have a strong claim upon your sympathies. And now let me turn to my honorable friend from Kentucky, and, with his permission, lay before him the history of the transactions of New York in reference to the General Government. I wish to point out to him the conduct of that city in the collection of the public revenue. I speak not of the faithful discharge of duties as the agents for the collection of our imposts. I refer not to the immense revenue of that port in the spirit of exultation, or with a view of holding up to this House the gigantic means derived from the industry of our citizens. I regret that my honorable friend has attempted to arouse the feeling of this House, by representing our strength—our solicitations for the use of the public treasure. I will not conceal the pride I feel in the city of New York, and how that feeling has been increased by the recent display of energy on behalf

of her inhabitants. But, sir, the Union has a right to be proud of her also. She belongs to you all, and any injury inflicted upon her must react upon the whole country. She is the storehouse of the industry of the nation, and to the representatives of the nation belongs the protection of her interests. The gentleman from Kentucky ought not to blame us if, with natural advantages unequalled upon the face of the globe, with a location commanding an immense foreign commerce, and hundreds of miles of inland communication, our merchants have exerted themselves to advance the prosperity of not only that city, but also of the entire country. By an examination of the Treasury accounts, the honorable member would find that upwards of two hundred and sixty millions had been paid by the port of New York into the Treasury of the Union. A vast portion of revenue had been collected by some of the very men now applying for relief. New York paid annually two thirds of your revenue; she has been a faithful and indefatigable agent in the collection of your imposts; and to deny her the request now made would be an unkind requital for her conduct towards the Government.

The bill ought not to be delayed. Every day it was postponed added to the difficulties the merchants were now suffering under. Goods were daily arriving which must be entered, and he entreated the committee no longer to delay the adoption of the measure now before it, and to destroy at once the fears which otherwise might be entertained of an unparalleled commercial distress. Prudence dictated an immediate decision on the question.

My colleague [Mr. CAMBRELENG] has given you to understand that a pressure must come, and you ought to put these merchants over it. The storm was gathering, and you ought to protect them from its fury. It would be well for the members to consider that the connexion between New York and the whole country is so close that distress cannot fall upon her alone. Credit has been given on the faith of these bonds to every part of the Union, and must be redeemed. If you insist on payment from the merchants, they must call upon the different sections of the country. On the representatives of the whole nation rests an awful responsibility. They ought not to add to the natural difficulties with which the commercial community might be compelled to contend. True it was, we had their bonds; but did it become us to insist on the penalty at this moment? When the great master of the human heart was desirous of presenting to us the character of an opulent and unmerciful creditor, he gave us a Shylock. How had we all burned with indignation at the recital of the unfortunate victim who had given the bond! But, sir, he had, like our debtors, calculated on his future success to meet his engagements; he rested on the return of his rich argosies, wherewith he might discharge his debts. But misfortune came upon him; and when his unmerciful creditor insisted on the penalty, when the cruelty to be inflicted was defended on the very same principle which we have put forward on this floor, that its non-fulfilment might establish a dangerous precedent, whose heart has not revolted from even the sketch of imagination? Would it be believed that we should present to the civilized world the reality, that, with our coffers overflowing with funds accumulated by our own agents, we should insist on payment, because it is so nominated in the bond? You may insert the knife, you may have your pound of flesh "nearest the heart," but you may be satisfied that the most delicate nerve in this immense body politic will grieve under the operation. You will affect the whole country, which must inevitably suffer from such a policy.

To the city of New York you have been indebted for a large portion of the surplus revenue which you now have in your Treasury. Is it not sound policy to give those facilities which will permit the stream of wealth to pour on in its natural course, (now I trust but temporarily checked) into the great reservoir of the nation? Is it not sound policy in you to inspire the recuperative energies and to infuse into the great body of the merchants that confidence which is the foundation of credit, and the companion of prosperity of a commercial people? Believe me, the aid of your Treasury will be returned fourfold hereafter. The money is not required, the security of the Government is not diminished, and you afford the means of renovating the commercial system. Give New York the means to sustain her commercial credit, and she will soon add to the riches of the public coffers by her extended importations.

We may be told that in a question of this nature we are in danger of surrendering our judgments to our feelings. I do not admit by the adoption of this bill we should be committing such an act, and, even if we did, to what nobler conqueror could we yield submission than to the best feeling of our nature—to the sympathy for the sufferings of our fellow-men. The destruction does not confine itself to those for whose relief the bill on your table is intended. Would that our action, within constitutional limits, would permit us to encircle all who suffer by this calamity—to relieve the thousands thrown out of employment—to succor the infirm, the aged, and the helpless—to save from misery those who now must bide the pelting of the pitiless storm! Much do I regret that, to borrow the figure of eloquence, our kindness must resemble the sun, which in its rising only illumines the loftiest eminences, and not that sun in its meridian effulgence which diffuses its light and warmth, not only over the loftiest palace, but into the deepest valley. We ask not for charity—for that charity which has already afforded precedents for noble acts in the thousands given to the people of Caraccas, and to the people of New Madrid. I will not refer to cases to show how former legislation has not been remiss in the execution of the duties of philanthropy; but while I point to these cases, and ask you to not even advance so far, but to afford us cold, unfeeling justice, to relieve the distresses of our community, I do hope this will not be denied to us.

Let it not be supposed that this is a mere local question. I feel confidence in appealing to the various interests which are here represented: to the manufacturer and mechanic, the profitable result of whose labor depends much on the capacity and integrity of the merchant; to the agriculturist who, although his main dependance is upon the soil, is aware that the value of that soil, and the products of that soil, must be increased by his sustaining the prosperity of our commercial interests. The various industries of the country are so interwoven, and depend so much upon each other, that it is the duty of all to uphold such as may be in danger. The influence of commerce is not only felt in particular points. To its invisible power not only the magnificent cities with which our seacoast is studded, but the most remote hamlet in the Union, may attribute their prosperity and advancement. The gentleman from Kentucky asks, who are these merchants? Will he permit me to answer him by remarking that they are his brethren, protected by the constitution of our country, which extends its blessings to every citizen; that constitution which provides that into your hands shall be given the care of the interests of commerce? And for whom do I ask the sympathy of this committee? For men whose industry is ever active, whose talent is unsurpassed, men who are strongly identified with the interests of the country, who have ever been foremost in works of kindness, and whose philanthropy has been extended

to the unfortunate of every clime. I claim it for those whose spirits are unbroken and energies uncrushed amid the ruins of their desolate Rialto; I ask it for those who have carried the glory of the American name and the fruits of American labor into the most distant portions of the earth. For such men I claim it.

But a few days since and but one feeling was in this House. The glow of sympathy was visible in every quarter. I was indulging the hope that relief would be instantaneously afforded. The whole country seemed to be alive to the consequences of the catastrophe. I cannot forego this opportunity which is here afforded me of offering my thanks to those communities which have expressed their kind feelings in behalf of New York. To their Representatives on this floor I cannot but say that, however my constituents may want in me one who can give competent expression to the deep feeling of gratitude which they entertained for the generous sentiments sent forth from every quarter in their behalf, they may rest assured that their kindness has not been extended to those who are cold or insensible of its value, or by whom it will soon be forgotten.

I trust, sir, that the warm feelings of sympathy expressed on every side are not dying away with the sounds which carry to the furthermost bounds of our country the report of this awful calamity. The tumultuous noise is still breaking over the land; but it is echoed back into these halls, in the shape of the resolutions calling upon the Representatives of a generous people to sustain the commercial metropolis of the Union. Confident I am it will be heard before long from beyond the Alleghany, calling upon my friends from Kentucky. Let us obey that voice, which speaks to us in tones of comfort for the distressed, which tells us to aid in the cause of our afflicted merchants, and to allow commerce once more to pursue her course. It does not become us to refuse assistance to that gallant vessel which, in the hour of misfortune, has been overtaken by this sudden tempest—she still appears above the wave, with shattered spars, and riven with lightening, yet bearing upon her deck a noble crew, whose energies are unchecked, and hopes unbroken, amid the darkness of the storm, and struggling to preserve their bark from the yawning gulf. Must they be deserted in such an hour? Must they perish? Will you extinguish the light which has been shining here, cheering them in their struggle, towards which they have turned their anxious eyes? Let it not be said that you hesitated to extend the indulgence of the nation to the unfortunate; that commerce had made her appeal in these halls to the Representatives of a generous people, to those intrusted with the guardianship of her interests, and that her appeal was denied. Let it not be said that an American Congress refused to American merchants forbearance.

Mr. PICKENS said he deeply regretted the public calamity that had prompted the chairman of the Comman of Ways of Means to propose the bill upon the table. Mr. P. said no gentleman in the House could feel more sympathy for that noble city, the pride and the ornament of this confederacy, so far as commercial wealth, prosperity, and enterprise, are concerned. To see her, to a great extent, laid in ashes and ruins, is enough to call up all the charitable feelings and kind emotions of the buman heart; but (said Mr. P.) we stand here not to pass measures that may constitute precedents important to the future welfare of a common country, from the mere impulses of feeling and sympathy. We stand here to exercise certain great trusts, for the benefit of the people of this confederacy, which trusts are regulated and defined by the great provisions of the constitution. He said he did not intend to press the argument out elaborately, but begged to refer to two provisions of the constitution: First, "All duties, imposts, and excises, shall be uniform throughout the United States;" and, secondly, "No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another," &c. Mr. P. said that an essential element in the amount and regulation of duties was time and indulgence upon the revenue bonds; if, for instance, three, four, and five years were given in the city of New York, and only six months in Boston, he apprehended that this would be not only a violation of the spirit but the letter of the constitution. He remarked that, in reply to this, the argument might be that this was not a regulation of revenue or a revenue law; but he contended that if this preference could not be given directly, in the first instance, it could not be done indirectly afterwards; for this would involve us in the additional difficulty of passing, to a certain extent, an *ex post facto* law. If, after a revenue law be passed, operating under the provisions of the constitution equally in every port and on every class, you by law then vary its operations, and grant indulgences and preferences, you in fact, for all practical purposes, violate the spirit of the constitution. Mr. P. said that, as to the different precedents that had been referred to in the practice of the Government, it was matter of indifference to him, as the action of no preceding Congress could have any great weight on the present Congress in its constitutional opinions on any subject. So far as mere expediency was involved, then, the precedents of former Congresses might be referred to as entitled to consideration.

He continued, that the Treasury agents might and had extended indulgences on bonds; but it was upon the principle that, if they were pressed, the amount, or part of it, might be passed to the Treasury; and, if indulged, the whole might finally be paid. This was exercising a sound discretion, for the exclusive benefit of our fiscal affairs, for the advantage of the Treasury, but not with a view to benefit the debtor. Mr. P. said that in all such cases the circumstances with which it was connected made the law of that particular case, and the discretion of the Treasury officers was to be exercised for the benefit of the Government. But (said Mr. P.) here you propose a general law, for the benefit of a whole class in a particular port, not extended to other ports, and not for the benefit of the Treasury, but avowedly, as its title purports, "for the relief of the sufferers by fire in the city of New York." This, Mr. P. said, he apprehended was a perversion of the powers of this Government. He said that the gentleman from New York [Mr. MCKEON] had referred to the case of Caraccas, when this Government afforded relief in a public calamity; but that stood on different principles. As far as the foreign intercourse and relation which exists between us, as one people, and other nations, this Government is, in a great measure, unlimited. There are certain duties which we owe as a united people amongst the family of nations, which duties are to be performed by this Government, defined and laid down by treaties, and regulated by the admitted precepts of national law. Mr. P. said that, even in the case of Caraccas, he would not have voted the relief, as he doubted whether alms-doing and charity could legitimately be included amongst the laws of nations, particularly amongst those nations under limited and constitutional Governments. There was, however, an obvious distinction between the case of Caraccas and affording relief by extending credits on custom-house bonds to a certain class in a certain port, which is not extended equally to all other ports. Mr. P. said that, in the case of Alexandria, it was unconstitutional, as the Government had no power to appropriate, except from a local Treasury, in such a case; the general

Treasury being for general purposes under the specific grants of the constitution.

Mr. P. continued, that the gentleman from New York [Mr. VANDERPOEL] had said this calamity extended its effects into all the ramifications of commerce throughout the various interests of the country. This (said Mr. P.) is true; and, according to the doctrine laid down by the gentleman, that the consumer paid, if we are to follow out this principle, then the merchant of Cincinnati, who had received his goods through the importers of New York, and should be so unfortunate as to lose them by fire or otherwise, would have precisely the same claims, in justice and principle, for relief from this Government, as those embraced in the present bill. He has paid the duties in his purchases from the importer, or perhaps he may be the importer himself; and if relief is to be afforded in one case, the same justice should afford it in the other. Mr. P. said, under such a principle, there was not a town or village in any State of the confederacy that could not have the same claims upon the aid of this Government. Any interests injured by the visitations of Providence would claim your relief, and there could be no bounds or limits, as far as equal justice is concerned, to such a precedent; it would, in fact, make this Government the great insurance office for this whole Union.

Mr. P. said that the experience of the British Government was against extending relief in such cases, by altering the custom-house or revenue laws, except in specific cases laid down and incorporated into the general law at the time of its passage. Ever since the great fire in London, the practice had been to issue exchequer bills, or make specific grants from the Treasury; but not to vary the revenue laws. Mr. P. said, if the experience of England had found this course inexpedient, surely it becomes us, under our limited Government, to avoid a practice or precedent which she has abandoned.

Mr. P. said this bill proposes relief to merchants alone, while the heaviest losses fall upon the insurance companies; their capital, as he understood, amounted to about $9,000,000, and perhaps the most of it was swept off by these very merchants who had their goods insured. The effect of this would be to extend relief to those who might have suffered least, while it withheld from those who suffered most, and perhaps deserved most, as the capital in these insurance offices might belong to the widow and the orphan.

Mr. P. continued, and said that that proviso which provided for a restoration from the Treasury of the amount of certain bonds paid, and indulgence granted on the amount, was clearly unconstitutional, as this was money in the Treasury, to all intents and purposes, and could not thus be drawn back, as a loan, without interest. Mr. P. would not go into a calculation of the benefits New York had received from the immense amount of deposites made in her banks for the last year or two, as this was not the time, under the unfortunate circumstances of the case, to calculate that. He said his objections were upon constitutional grounds; and, he would repeat again, that he regretted he could not vote for the bill. When he looked to that noble city, and thought of her wealth and commerce, he felt, as every man ought to feel who had the heart of an American, the kindest emotions of sympathy for her calamity, and deep regret for her loss. When he remembered her, not in the history of the present day, but in 1765, when she received the first meeting ever held by a portion of these colonies to resist British aggression; when he remembered her as connected with some of the most consecrated scenes of our Revolution, he felt every disposition to follow the impulses of his heart rather than the sound dictates of his judgment. He had given the reasons that would influence him in his vote, and that was all he desired.

Mr. MANN, of New York, replied to Mr. HARDIN. He had hoped that this bill would have been discussed without sectional feeling. The people of New York did not come to ask for charity at the hands of that House. They asked only for common, simple, plain justice, not for charity; for that common justice meted out to every other part of the country. Mr. M. defended the course that had always been pursued by the State of New York, for her liberal policy and generous and enlightened principles; because, from her geographical situation, she was the largest commercial State in the Union, it did not follow that she should not have justice done to her. The bill under consideration proposed no bounty, as in the case of Caraccas, but provided nothing more than she had a right to ask, and what was as much for the interest of the country generally as for New York. Mr. M. defended the provisions of the bill, and replied at length to Mr. HARDIN. Mr. M. said it was well known that the larger share of the banking capital of the gentleman's own State came from New York.

Mr. UNDERWOOD said he felt a warm sentiment for the people of New York, and he was prepared to give them relief. He was prepared to remit the duties on goods actually destroyed by fire, and that he believed to be the only relief that ought to be granted. He did not look upon the importing merchant as paying the duties. The consumer paid; the importing merchant was the mere agent of the Government. Duties were generally an advantage to the latter, who invariably pay more for the imported goods in proportion to the tax levied upon them. Believing the measure he had indicated to be the only relief that ought to be afforded, he should vote against this bill in every step, but the other he would cheerfully sustain, or he would vote for this bill if it was modified according to what he considered the only proper mode of relief.

Mr. BEARDSLEY did not believe there was any constitutional objection to this bill. Mr. B. read the two clauses of the constitution before referred to, and argued that there was no inequality or local preference given to New York by this bill. Neither the remission of duties, nor an extension of time for their payment, applied to the prohibition of that instrument. The constitution applied to the law imposing the duties: that they "shall be uniform;" and that no preference was given by this bill to the port of New York over any other.

Mr. SUTHERLAND referred to the case of a law passed several years ago, relative to certain importations in the port of Charleston, South Carolina, by which a duty of ten cents tonnage was imposed on all ships entering that port. This case he adduced to show that for a long time past Congress had been in the habit of passing laws with regard to local regulations of duties and tonnage. By the law Mr. S. referred to, the city council of Charleston were authorized to impose a duty of ten cents a ton, for the temporary relief of the sick there, &c.

Mr. PINCKNEY was in favor of the bill, and intended to vote for it. He gave a history of the law cited by Mr. SUTHERLAND, which he said was passed to authorize the city council of Charleston to complete a federal work they had, from patriotic and benevolent motives, undertaken at their own cost.

Mr. EVERETT moved that the committee rise and ask leave to sit again. Agreed to; and the House then rose, and at a quarter to four P. M. adjourned.

FRIDAY, JANUARY 15.

WEST POINT ACADEMY.

The following resolution, submitted by Mr. HAWES, of Kentucky, on the 7th instant, was taken up:

"*Resolved*, That a select committee of nine be appointed to inquire what amendments, if any, are expedient to be made to the laws relating to the Military Academy at West Point, in the State of New York, and also into the expediency of modifying the organization of said institution, and also whether it would not comport with the public interest to abolish the same; with power to report by bill or otherwise."

The question pending was the amendment of Mr. WARDWELL, proposing to substitute the Committee on Military Affairs for a select committee.

Mr. MANN, of New York, said he intimated yesterday, when this resolution was under consideration, that he desired to say a few words upon it. In the first place, he wished his colleague to withdraw his amendment to refer the subject to a standing committee, and to suffer it to undergo the investigation of a select committee.

In regard to this institution (Mr. M. said) there was a great disparity of opinions, and the subject was one of very considerable interest to the State he had the honor in part to represent. It was also of considerable interest to the various States surrounding this institution, and he found, to his surprise, during the last session, a strong disposition manifested by that portion of the representatives coming from those States, thus located, to maintain this institution in every one of the charges made against it. At the last session of Congress a committee of twenty-four members, consisting of one from each State, was raised, on the motion of the gentleman from Kentucky, [Mr. HAWES,] to investigate the affairs of this institution. That committee appointed a sub-committee, whose labors had not been yet officially promulgated to this House or to the country. He had the honor to be a member of that committee of twenty-four, but not of the sub-committee; but he concurred partially with the views contained in that report, which was, to say the least of it, an elaborate examination of the institution from its earliest time. He knew that in doing so he incurred some censure from a portion of his own State; but he never had, and never would, flinch from any important duty he felt it incumbent upon him to perform there.

Mr. M. said, in the examination of the transactions of this institution he had found much to censure. He believed, if its friends on that floor would take the trouble to investigate it in the same way the committee did last year, they would find more to censure, in the principle of the establishment, than they were aware of. He knew very well that it was necessary to have military officers; they were highly useful at all times. But that was not the inquiry at present. The inquiry was, whether this institution should continue under its present organization. Now, there were abuses in this institution developed in that report; abuses of a character that would not find, he presumed, a single advocate on that floor, when they came to be promulgated.

In his opinion, said Mr. M., the principle on which this institution was established and organized was utterly inconsistent with the principle of all the other institutions in the country. But, because he thought so, he did not therefore desire to see its extermination. It was at variance with all our other institutions, because it was exclusive. It formed the only avenue by which the people of this country could approach the offices of the army. It was the gate-way, and the only gate-way, by which any citizen of this country could reach them; and that was not right.

It was again objectionable to Mr. M's mind, because he could perceive no reason, he never had perceived any reason, why a single individual out of any part of this Union should be selected by a member representing that district upon this floor, to be educated exclusively at the public expense, although he knew gentlemen would say, as they had heretofore said, that this was necessary, in order to acquire the best amount of military information in the country. There was no doubt that it was necessary to have this information in the country, both in time of war and in time of peace; but could it not be secured by some other means? There was no reason why one individual should be taken and educated at the public expense. But besides the principle, what was it in practice? Why, we saw individuals continually pressing the Government in every quarter for admission into this institution, to be educated professedly for the military service, but very frequently, too generally, with the secret design in their hearts of devoting themselves to the civil pursuits of society. This was another ground of objection in his mind, even if the institution bestowed the military education required, because you sent a young man there with a fraud in his heart; and the course of education unfitted him for the performance of those duties incumbent upon civil life. You sap and destroy the foundations which should form the basis of his future course. Moreover, the system was just such a system as prepared a young man, not for civil, but for a military life; and the first thing he had to do was to unlearn almost every thing he had learnt there. These were some of the objections that presented themselves to his mind. The objection, however, to selecting an individual out of a population of 47,700, and educating him at the public expense, was one that he never had seen satisfactorily answered, for it could not be answered.

But, said Mr. M., gentlemen might ask him what system could be adopted by this Government, in regard to that institution, so as to procure that degree of military education they all agreed as requisite and necessary. Why, he thought it very simple indeed. He granted that it was necessary this profession should be in the country at all times. But, in granting this, he did not grant that it should be procured by the means then existing. He would do this, and there stop. He would support an institution like that at West Point, established perhaps on somewhat similar principles, and provide that the Government should erect all the necessary buildings, and establish the professorships, which should be supported at the expense of the Government, and there he would stop. He would leave it open, as every other institution of the country was of a literary character. He would do away entirely with the privileges which the present institution conferred upon the individuals who had passed through it. He would leave the offices of the army open to honorable competition, so that those best qualified should be selected, by whatever means they had acquired their military knowledge. This would excite a proper competition, and the country would be benefited by it, and, in his judgment, better served than at present. He could see no reason why a man educated at this institution should be more peculiarly fitted for the offices of the army than any other. What did experience, what did history show? Was it not that, whenever the country required the exercise of those powers, that individuals possessing them were always found and elected by their confederates to defend their country?—and those made the very best officers. It surely did not follow that because a young man was educated at West Point, or in the military schools at Paris, that he therefore possessed more courage than any other.

As the thing then stood, and as the report, when it came to be promulgated, (which he hoped it would,) would show, this institution cost the country by far too much for the education of these young men. Whether it sprung from abuse or not, such was the fact, when they looked at the utility produced by the expenditure. This, taken in connexion with another fact, offered an additional ground of objection to the institution as it then

existed. If Mr. M. recollected the report right, it proved that not more than two out of five of all the persons who ever entered the institution had staid there long enough to graduate, and not two out of five who had graduated ever entered the army. And when it was recollected that not two out of five who entered the army staid in it more than two years, he thought it conclusive that the utility of the institution was not commensurate with its expenditure. If Mr. M's memory served him right, the report showed that every graduate coming from that institution had cost the United States more than five thousand dollars within the last ten years, and previously a much larger sum; and, he believed, within one year the graduates of that institution had cost upwards of thirty thousand dollars. He did not know the cause of that immense expenditure. It might be by mismanagement or misfortune; he cared not; but it showed there were some extraordinary abuses in regard to the institution. Now, if there be any truth in these statements, any truth in the reports that extensively prevailed in the country, the institution was mismanaged and misconducted, and ought to be investigated into and reformed. He therefore made an earnest appeal to his colleague, that he would withdraw his amendment, and permit the subject to go to a select committee.

Mr. M. made some further remarks in relation to the duties of the Military Committee, which were too onerous to afford them the time necessary for the investigation of this object; in addition to which, many of the gentlemen on that committee had predispositions in relation to it. He hoped the House would send it to a select committee, so that the institution, in all its bearings, should undergo a full and complete investigation. He hoped the friends of the institution themselves would vote for the original motion, and that his colleague would withdraw his amendment.

Mr. PIERCE, of New Hampshire, then addressed the House for a short time; but, without concluding, gave way to a call for the orders of the day.

DISTRICT BANKS.

Mr. THOMAS, of Maryland, from the select committee on the subject of the District banks, obtained the consent of the House to report "a bill to extend the charters of certain banks in the District of Columbia to the 1st day of October next."

The bill was twice read.

Mr. THOMAS said the bill did not require commitment. He was about to ask the House, with the assent of the chairman of the Committee of Claims, to take up and act upon this bill at once. It would not, he said, require any discussion, as there could be no difference of opinion in regard to it. The committee unanimously agreed in asking the House to act on the bill without delay. It proposed to continue unimpaired, to all the banks doing business in the District, all their powers and privileges, till the committee had investigated their condition, and Congress could act upon the question of the renewal of their charters. It was indispensable to the interests of the District that the bill should be passed. He hoped the House would consent to order it to a third reading.

Mr. HAWES said he would like to make this inquiry of the chairman of the committee: If the object of the bill was to afford an opportunity for the committee to investigate the affairs of the banks, and for Congress to act upon the subject, what was the necessity of extending the term of the charters beyond the close of the present session? If the charters were to be extended at all, he wished it to be for a shorter time.

Mr. THOMAS supposed, he said, that the time fixed would meet every possible objection, so as to supersede the necessity of any remarks. The committee could not anticipate the action of Congress on the subject, nor their own report. They might report in favor of renewing the charters of some of the banks, and against the renewal of others. Congress would not probably adjourn till the 1st of July, and it was important that the banks should have time to prepare for a change so important to the District, if their charters should not be renewed.

Mr. McKENNAN did not rise, he said, to provoke a debate on the bill, nor to oppose it. He wished to congratulate the committee on their arrival at the same conclusion which the Committee for the District of Columbia reached at the last session, on this subject, and presented to the House in the form of a bill similar to this; which, on motion of the gentleman himself, was laid aside.

Mr. PARKER said the bill required more attention than the House could now give it, and he moved its postponement till Thursday next.

Mr. HARDIN made an inquiry of the gentleman from Maryland; in reply to which,

Mr. THOMAS said the select committee had not yet commenced their investigation. They had postponed it till the House decided on this bill. If the bill should not pass, he was instructed to ask of the House permission for the committee to sit during the sittings of the House. If the bill should pass, the committee would be able to attend to their duties in the House, and continue the investigation also.

Mr. LANE understood, he said, that the object of taking this business from the Committee for the District of Columbia, and referring it to a select committee, was, that the select committee would prosecute the investigation diligently and without delay. But now it appeared that, though some time had elapsed, the committee had not commenced the investigation. Sir, said Mr. L., I see something more in this bill than its apparent object. It may be intended to ask for a summer session for the committee. He believed that the Committee for the District of Columbia, setting himself apart, would have performed the business promptly, quickly, and with ability.

The motion to postpone was rejected.

Mr. HAWES spoke in favor of a shorter time for extending the charters. If the object of the bill was to enable the banks to wind up their concerns—

[Mr. THOMAS here said he had not stated this to be the object. The object was to afford time for Congress to determine on the propriety of continuing them. While up, he would state that his purpose in calling for a select committee was to prevent the necessity of a summer session of the committee.]

Mr. HAWES was willing, he said, to give the banks ample and sufficient time to wind up their concerns, should their charters not be renewed; but he was unwilling to extend the charters, for the purpose of the investigation, longer than the end of the session. He moved to strike out the 1st of October, and insert the 30th of June.

Mr. VANDERPOEL, to test the sense of the House on the subject, moved the previous question.

The motion was not seconded by the House.

Mr. PARKER protested against so much haste. There was no necessity for it; and many errors were not unfrequently committed by too much haste in matters of legislation. He could see no reason why the consideration of the bill should not be postponed until next week.

Mr. PEARCE, of Rhode Island, hoped there would be no attempt to apply what was called the gag-law, with respect to this subject. So far as relates to the people of this District, who had no representatives here, there perhaps was no question that could be discussed

that involed more considerations in regard to them than the present. He conceived the gentleman who had reported this bill must have had some object in view. Why continue the charters of the banks until the 1st of October next, if it was the object of the committee to procure the action of Congress in relation to them before it adjourned? In what situation would the District be, provided the House had not an opportunity of acting on the subject before the next session, by which time the charters would have expired some weeks? Why, bankruptcy or insolvency must be the consequence. But he might be told, by the honorable chairman, that the committee contemplated action. Well, if action really was contemplated before the adjournment, why the necessity of this bill at all? Let us go on and try if the investigation with respect to these banks can be completed. If malfeasance, or any other act, on the part of any of the District banks, should be detected, the sooner the people here knew it the better. He was told, no longer ago than yesterday, that the papers, accounts, and statements of one bank, necessary to be disclosed, were in preparation for that purpose; and that every thing the committee would require could be furnished by giving three hours' notice. It had been said that the papers necessary to the investigation were so numerous, and the duties so onerous, that the committee could not get through their labors with that despatch some gentlemen were led to suppose. Why, then, he would say, let the papers be referred to the Committee for the District of Columbia, who had nothing to do, and were seeking for business; but until the select committee had made an attempt, and are prepared to say they cannot go through the investigation during the present session, the House cannot consider the propriety of referring the subject to the Committee for the District of Columbia.

Mr. HUNTSMAN addressed the Chair as follows:

Mr. Speaker, as one of the committee appointed to investigate the situation and condition of these banks, I feel it to be my duty to submit a few remarks for the consideration of the House, in reply to the gentlemen from Indiana, New Jersey, and Rhode Island. It seems to be insisted by the two former, that the House committed a great error in referring this subject to a special committee, and that if it had been submitted to the Committee on the District of Columbia, the investigations necessary would have been at least half through by this time. There is a great deal of sensibility manifested by the Committee for the District of Columbia upon the subject. It would seem, from their continual complaints, that they suppose the House has robbed them of a portion of their rights.

I am willing, sir, to admit that the Committee on the District of Columbia possesses more ability, and can transact this business in a style exquisitely genteel, systematic, nice, and scientific—more so than any committee in the House, or that ever was in it. But, notwithstanding all this, upon a full, thorough, and ample discussion, it has not been the pleasure of this House to assign this duty to them. It was thought, for reasons satisfactory to the House, that a select committee should be charged with this investigation. If those gentlemen are dissatisfied with the decision of the House, I know of no way to reverse it, unless they will take an appeal or writ of error; and then I know of no revising power, which can take jurisdiction of it, unless the appeal, or writ of error, is taken to the gallery.

The gentleman from Rhode Island [Mr. Pearce] says that he had a conversation with the President, or perhaps some of the directory, of one of these banks; and that he has the books, papers, and documents, all ready, and that an examination can be made in their houses. I entertain no doubt, Mr. Speaker, that it is these three hours' examinations of banks that has enabled many of them to commit the deepest frauds, and to fatten upon the substance of the laboring classes of society, and then, in a proper time and prudent manner, break very genteelly. There are two characters of breaking in this country—the one is to break very poor, and the other very rich; and a three hours' examination of any bank will enable it to choose between the two modes. In fact, sir, I consider it no examination at all. It is not within the compass of human possibility, it is not within man's power, (the Committee for the District of Columbia always excepted,) to make an examination into the situation and condition of a bank, and the manner and correctness with which it has been conducted, where a large business has been transacted for the last fifteen or twenty years, and digest the information in an intelligent form, such as should be laid before this House, in three hours or three days. It may take weeks. If an examination is gone into, it should be a thorough and satisfactory one. If there has been any foul practices by it, or rotten places now in it, under it, or about it, this should be fully eviscerated and brought before the public; it is an important item to take into consideration, upon the present application to renew their charters. If the affairs of these institutions had been fairly and honestly conducted, it is alike due to the public and the banks that the facts shall be known and set down to their credit. Is it possible that the gentleman from New Hampshire can suppose all this can be done in three hours? It is true, sir, they may bring up the prettiest set of bank books, more neatly bound, and more handsomely gilt, with the finest writing; the t's all crossed and the i's all dotted, which will exhibit a most splendid appearance, and which will answer all the purposes intended by a three hours' examination. But, sir, all things may not be so smooth, honest, and fair, when we get a peep behind the curtain; there may be something rotten in Denmark.

I will now, sir, turn to that part of the subject which operated upon the minds of the committee in relation to the extension of their charters until the 1st of October next. There are seven or eight banks in the District; some of those, it is understood, through all the fluctuations of the times, whether produced by those shocks and revulsions which will occasionally happen in the moneyed concerns of any Government, or by the celebrated panic, have sustained their credit and reputation by paying at all times the gold or silver for their notes whenever they were presented, while others (which may, in the examination of the select committee, be considered of the second class) did not honor their notes, but suspended specie payments, much to the injury of the citizens of the community who were in possession of those notes at the time of this suspension. The first inquiry of the committee, in regard to these banks, will be to ascertain the causes which produced this suspension: was it by causes over which the directors of these banks had no control, or produced by circumstances that could not be foreseen, and fairly calculated upon, by exercising a reasonable degree of prudence and precaution? Some reports have gone abroad, quite unfavorable to a portion of those banks in the District which had suspended specie payments. It is unquestionably due to the public and the trading community, to ascertain the truth of these statements, and establish the facts, if they be. It is equally important to the banks so implicated, that a strict examination should be made. If the reports are not true, let them be honorably acquitted. I consider it due to them as an act of justice. It will require much time to do all this. These charters expire on the third or fourth of March; and although the committee could accomplish the task by that time, if leave was obtained for it to sit during the session of the House, yet it is an alternative to be avoid-

ed if possible. The members of the committee have important business committed to them, by their own constituents, which requires their attention while the House is in session; which they cannot dispense with without great delay, and perhaps danger of its being lost for want of attention.

But, separate and apart from the beforementioned reasons for continuing the charter of these banks until the first of October next, the interest of the banks and the policy of Congress both require it. It is impossible for the banks to wind up their business in six weeks, without great injury to themselves and to the commercial community of the District. If Congress, after a full examination of their concerns, shall not think proper to recharter them, the time specified (the first of October) is as early as they can wind up their affairs, without creating a shock to the moneyed concerns of the District. It is right that a sufficient time be given for that purpose; therefore, I am opposed to the motion of the gentleman from Kentucky [Mr. HAWES] to restrict the time to the 1st of June. I am equally opposed to the motion of the gentleman from Rhode Island, [Mr. PEARCE,] which proposes an extension of the charter to the 4th of March, 1837. It is the duty as well as the policy of Congress to dispose of the whole subject, and finally, at this session. If we fail to act upon it now, and postpone it to the next session of Congress, which is a short one, it cannot receive the consideration to which it is entitled.

And, again, Congress will be harassed with the question some three or four weeks, then much to the detriment of other business. If it shall be the pleasure of Congress, upon a full examination, to recharter those banks, then it will require time to introduce those modifications into the charters which time and experience has afforded, in order to make them as perfect as possible; so that their usefulness may be felt, with as little inconvenience to society as their practical operations will allow, and at the same time to guard against the abuses and frauds of the banking system. I have no doubt this can be done to a considerable extent. This is an enlightened era of the world: the march of improvements and inventions, and of mind, has no former example; it has outstripped the wildest conceit that existed even fifty years ago. There is no science which has received more improvement and accessions of knowledge than that of banking.

Take the same men, such of them as are yet living, who framed the bank charter for the United States Bank, and let them now set down to the work, with the additional information and experience they have since acquired, and they can construct one infinitely preferable, so that not one sixteenth part of the frauds which have been charged upon that bank could have been committed, without an easy mode of detection. But to form such a charter it requires time.

For myself, I have not much favor for the banking system, much less for its abuses. I have never voted for but one. I had opportunities to vote for many. In some instances it may be a necessary evil. When it is so, the charters should be so framed as to make that evil as light as possible. As to those in the District of Columbia, I have neither partiality for, nor prejudices against, them. I think I can do justice; but, in order to ascertain what is just, I hope the House will pass the bill as it stands, which will afford both time and opportunity to arrive at that end.

Mr. GILLET moved to amend the bill by adding a clause providing that Congress shall have the power to repeal, modify, or alter, the privileges extended by this act, any rights which the corporations have under it to the contrary notwithstanding.

Mr. HARLAN moved to strike out the 1st of October, 1836, and insert the 1st of March, 1837; which was rejected.

The question was taken on the motion to amend, offered by Mr. HAWES, and decided in the negative.

The bill was then ordered to be engrossed for a third reading on this day, in the following form:

A BILL to extend the charters of certain banks in the District of Columbia to the 1st day of October, 1836.

Be it enacted, &c., That the acts incorporating certain banks in the District of Columbia, that is to say, the Bank of Potomac and the Farmers' Bank of Alexandria, in the city of Alexandria, the Union Bank and the Farmers and Mechanics' Bank of Georgetown, in the town of Georgetown, the Bank of the Metropolis, the Patriotic Bank of Washington, and the Bank of Washington, in the city of Washington, be, and the same are hereby, renewed, continued in full force, and limited to the first Saturday and first day of October, in the year of our Lord eighteen hundred and thirty-six.

[The bill was subsequently read a third time.]

The remainder of the day was spent in the consideration of private bills, till the hour of adjournment; when the House adjourned to Monday.

MONDAY, JANUARY 18.

SLAVERY IN THE DISTRICT OF COLUMBIA.

The subject of the petition from sundry inhabitants of Massachusetts, praying the abolition of slavery in the District of Columbia, presented on a former day by Mr. J. Q. ADAMS, was taken up, and, on motion of Mr. HAWES, postponed till Monday next.

THE UNITED STATES AND FRANCE.

A message was received from the President of the United States, by the hands of A. J. DONELSON, Esq., his secretary, (for which see debates in Senate of this date, ante, page 163.)

Mr. MASON, of Virginia, asked the unanimous consent of the House to have the message just received read to the House; and, no objection being made, it was read by the Clerk.

Mr. McKEON sent to the Chair certain resolutions relating to the subject of the message, which he offered for the consideration of the House.

Mr. MERCER rose to a point of order. The rules had been, he said, suspended only for the purpose of reading the message.

Mr. MASON, of Virginia, (chairman of the Committee on Foreign Relations,) said it was his intention to submit a motion that the message and documents accompanying it be referred to the Committee on Foreign Relations, and printed. He said he thought it important that the House should have an opportunity deliberately to peruse papers of so much importance, preliminary to any action in reference to them.

After some conversation, on motion of Mr. WILLIAMS, of North Carolina, the documents accompanying the message were read.

Mr. HAWES rose, and moved that 20,000 extra copies of the message and documents be printed.

Mr. MASON, of Virginia, asked that the question should be first taken on the motion, which he now submitted, that the message and documents be referred to the Committee on Foreign Relations.

The message and documents were then ordered to be referred accordingly, and the motion to print 20,000 extra copies was agreed to.

Mr. McKEON asked the consent of the House to submit the resolutions which he had sent to the Chair, for the purpose of having them printed.

Objections being strongly made, by repeated cries of "No! No!"

Mr. McKEON moved a suspension of the rules of the House, in order to offer the resolutions, and asked the

reading of the resolutions for the information of the House.

Objections were made to the reading of the resolutions, by many members.

Mr. McKEON inquired whether he had not a right to ask the reading of the resolutions.

[Cries of "order!" "order!"]

The CHAIR stated that he had some doubt whether the resolutions could be read without general consent, as the rule had not been suspended.

Mr. McKEON remarked that he was desirous of submitting the resolutions he had sent to the Chair. He was aware that the rules of the House did not permit him to offer them at the present moment; but, as they related to our affairs with France, the House might, he thought, be disposed to hear them read. As it was the day for the presentation of petitions, he had but little prospect of procuring a suspension of the rule. He informed the House that the resolutions approved of the determination of the executive branch of this Government not to submit to give explanations; and he should take an early opportunity of bringing them before the House. He then withdrew the motion to suspend the rules.

The presentation of petitions and memorials was then resumed.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. ADAMS presented the petition of certain inhabitants of the State of Massachusetts, praying the abolition of slavery in the District of Columbia.

Mr. HAMMOND regretted that the gentleman had thought proper to present this memorial. He felt constrained to move the question of consideration.

Mr. ADAMS said he presumed that the question was subject to the decision upon the appeal taken by him on a former occasion from the decision of the Chair.

Mr. PINCKNEY wished, in order that gentlemen might have an opportunity of presenting their petitions, to make the motion that the preliminary question be laid on the table.

Mr. ADAMS said the appeal which he had taken from the decision of the Chair, on a former occasion, was founded on a desire, on his part, that the subject should not be discussed so as to consume the whole of the day set apart for the presentation of petitions. With these views, he was willing to allow the gentleman from South Carolina to make the motion that the subject be laid on the table, to be taken up and decided on at the same time with the other petitions.

Mr. PINCKNEY then moved to lay the motion on the table.

Mr. HAMMOND inquired whether the motion of his colleague was in order. The petition not having been received, there was nothing to lay on the table.

The CHAIR said that the motion was in order. The gentleman from Massachusetts had moved that the petition be received. It was competent to lay that motion on the table.

Mr. ADAMS presented a similar petition to the foregoing, for the abolition of slavery in the District of Columbia.

Mr. HAMMOND again moved the question of consideration. He gave notice that he would make the same motion in every similar case, until he could procure a direct vote on the subject.

The preliminary question was postponed until to-morrow.

Similar petitions were presented by Messrs. CALHOUN, LINCOLN, GRENNELL, and JACKSON, of Massachusetts, upon which the question of reception was made, and, on motion of Mr. G. LEE, postponed until to-morrow.

Mr. SLADE presented memorials, praying for the abolition of slavery and the slave trade in the District of Columbia, of one hundred females of Cornwall, in the State of Vermont; of four hundred and twenty-six females in the county of Madison, in said State; of three hundred and thirty-six male citizens of McConnelsville, in the State of New York, and of the officers and students of Oneida Institute, in said State; which he moved should be referred to a select committee.

Mr. GLASCOCK moved that they be not received.

Mr. GIDEON LEE moved to lay the motion on the table; which was agreed to.

Mr. JANES, of Vermont, presented a petition for the abolition of slavery in the District of Columbia.

Mr. HAMMOND demanded the preliminary question of reception; which motion was laid on the table.

Mr. RUSSELL presented a petition from sundry individuals, praying the abolition of slavery in the District of Columbia.

Mr. HAMMOND demanded the question of consideration.

Mr. GIDEON LEE moved that the preliminary question of non-reception be laid on the table; which was agreed to.

Mr. McKENNAN presented two memorials from citizens of Pennsylvania; one of which prayed for the abolition of slavery, and the other for the suppression of the slave trade in the District of Columbia.

Mr. HAMMOND moved that they be not received.

Mr. GIDEON LEE moved to lay the motion on the table.

Mr. McKENNAN asked for the yeas and nays on the question.

Mr. WISE moved a call of the House; which was lost.

Upon counting, for the purpose of ascertaining whether the call for the yeas and nays was seconded, there appeared to be no quorum voting.

Mr. WISE again moved a call of the House. Lost.

Upon a second count, a quorum was found to be in attendance, and the yeas and nays were ordered.

Upon the question to lay the motion that the petitions be not received on the table, (which was understood merely as a postponement of the subject until to-morrow,) the vote was as follows:

YEAS--Messrs. Adams, Chilton Allan, Anthony, Ash, Ashley, Barton, Beale, Bean, Beardsley, Beaumont, Bell, Bockee, Bond, Boon, Bouldin, Bovee, Brown, Bunch, Bynum, William B. Calhoun, Cambreleng, Campbell, Carr, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Cushing, Cushman, Davis, Deberry, Dickerson, Dickson, Doubleday, Dromgoole, Efner, Evans, Fairfield, Farlin, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Granger, Grantland, Grayson, Haley, Joseph Hall, Hamer, Hannegan, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Hoar, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Jarvis, Joseph Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Lawrence, Lay, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Samson Mason, Maury, May, McCarty, McComas, McKay, McKeon, McKim, Mercer, Miller, Milligan, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Franklin Pierce, James A. Pearce, Pettigrew, Peyton, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Schenck, Seymour,

William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Smith, Spangler, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Lewis Williams, Sherrod Williams, Wise—176.

NAYS—Messrs. Banks, Borden, Briggs, John Calhoon, George Chambers, John Chambers, Clark, Darlington, Denny, Everett, Forester, Glascock, Grennell, Griffin, Hammond, Hard, Harper, Hazeltine, Hiester, Holsey, Janes, Lincoln, McKennan, McLene, Morris, Parker, Phillips, Pickens, Potts, Reed, Russell, Slade, Sloane, Sprague, Webster, White, Whittlesey—37.

Mr. HIESTER, of Pennsylvania, presented several petitions, praying the abolition of slavery in the District of Columbia.

Mr. HAMMOND moved that they be not received.

Mr. LEE, of New York, moved to lay the motion on the table.

Mr. L. said he deemed it proper to explain his motives. This day is especially appropriated to the presentation of petitions from our constituents. Several members have not had an opportunity to present the petitions they had brought from home with them. Every county and town in the nation is interested, and should at least be permitted to have their petitions before the appropriate committees. Gentlemen know this class of petitions have already provoked excited and protracted discussions. I know they will continue to do so whenever they come into discussion. The object of my motion is to prevent such discussion to-day, in exclusion of all other petitions. I wish it distinctly understood (said Mr. L.) that I am in favor of the reception of every petition, whatever may be the prayer, provided the language be decorous, and free from immorality. I will vote for the reception of them to-morrow.

The motion to lay the preliminary question on the table was agreed to.

Messrs. DARLINGTON, MORRIS, CHAMBERS of Pennsylvania, and DENNY, presented various petitions, praying the abolition of slavery in the District of Columbia; upon each of which Mr. HAMMOND demanded the question of consideration: and, on motion of Mr. GIDEON LEE, the preliminary question of reception on each petition was laid on the table.

Mr. WHITTLESEY, of Ohio, presented an abolition memorial.

Mr. HAMMOMD moved that it be not received.

Mr. GIDEON LEE moved to lay the motion on the table; which was agreed to.

The remainder of the day was almost exclusively devoted to the reception of petitions, memorials, and resolutions; and

The House then adjourned.

TUESDAY, JANUARY 19.

SLAVERY IN THE DISTRICT OF COLUMBIA.

The special order of the day was taken up, being the following resolution, heretofore offered by Mr. JARVIS, of Maine:

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress. And be it further resolved, that in case any petition praying the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid upon the table, without being referred or printed.

To which Mr. WISE submitted the following amendment:

"*Resolved*," and insert, That there is no power of legislation granted by the constitution to the Congress of the United States, to abolish slavery in the District of Columbia, and that any attempt by Congress to legislate upon the subject of slavery will be not only unauthorized, but dangerous to the union of the States.

Mr. JARVIS subsequently modified the original resolution as follows:

Whereas any attempt in this House to agitate the question of slavery is calculated to disturb the compromises of the constitution, to endanger the Union, and, if persisted in, to destroy the peace and prosperity of the country: Therefore,

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress. And it is further resolved, that in case any petition praying for the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid upon the table, without being referred or printed.

The question before the House being the amendment of Mr. WISE—

Mr. HOLSEY said he would have supported the motion of the gentleman from Virginia, [Mr. WISE,] had it been presented at a proper time. He was willing to meet the constitutional question whenever it could be presented in a proper manner; but it was not his intention to go into the merits of the question at present. The people he had the honor to represent, and he believed the whole people of the South, believed the constitution of the United States granted no power to legislate on this subject. The position his own State occupied prevented him from going further in this matter. He was of opinion the subject should be disposed of, by calling for the yeas and nays, without discussion. It ought to be recollected that this was a deep and pervading question. The South knew the rights which belonged to them, and it was hardly necessary for him to say that they would maintain those rights. We have the voice of history to warn us how to proceed in this matter. The discussions in the French Legislature had their influence in the insurrection in the West Indies. He had noticed this circumstance merely as an additional motive for drawing this exciting and agitating question to a close.

The resolution of the gentleman from Maine [Mr. JARVIS] would have a conciliating influence on the South—the terms of the resolution being, that the agitation of the question was calculated to disturb the compromises of the constitution. It was not inconsistent with the resolution of the gentleman from Virginia; and he was willing to go for that resolution also at the proper time. There could be but one opinion in relation to the resolution of the gentleman from Maine, and he thought that by adopting it we would discharge our obligations to our country. He did not think that the amendment of the gentleman from Virginia could be sustained in its present shape, because it would be striking out the language of the gentleman from Maine, and inserting the constitutional question. God forbid that the existence of this great confederacy should be disturbed by a mere matter of propriety. He would say, in conclusion, that he would support the original resolution of the gentleman from Maine; but whenever gentlemen should see proper to present the constitutional question in a proper manner, he would sustain their views.

Mr. HAWES said the people he had the honor to represent viewed the subject now before the House with as great attention and deep interest as, perhaps, any of the people. He had regretted that the discussion of the subject should be carried on, because in his view every speech made was calculated to create an impression in the minds of the abolitionists that they were persecuted. He believed the consequences to be deleterious, let discussion

come from whatever quarter it might, whether from the East, North, South, or West. Viewing the discussion as deleterious to every part of this great confederacy, he felt himself bound to demand the previous question.

Mr. PEYTON rose and asked the gentleman to withdraw the motion.

Mr. HAWES said, I cannot withdraw, sir; I have given my reasons for the motion, and I feel compelled to insist upon it.

The motion for the previous question was not seconded by the House: Ayes 90, noes 100.

Mr. PEYTON had hoped the gentlemen of the South would meet the only question they ever wished to see presented there: that was the question of power, not of expediency. Would any gentleman go home to the South and tell his constituents that they might enjoy life, liberty, and property, because it was not expedient to touch it? He would assure gentlemen that the mere declaration of inexpediency, with regard to the District of Columbia, would be insufficient to tranquillize the South, and they deceived themselves if they thought so. Mr. P. then referred to the recent speech of Mr. ADAMS, and the message of Governor Marcy, in relation to the special message of Governer Gayle, part of which he read. This, he said, would show what the South had to expect from the northern feeling and northern people. He would put the case of the guilt of the incendiary being clear beyond a doubt, and that murders without number had been committed through him or his agency; yet, upon the position assumed by the Governor of New York, he could not be punished, because he did not commit the crimes within the limits of the State in which he resided. Mr. P. contended that this conflicted with that clause of the constitution of the United States which provided for the surrender of fugitives from justice. The case of an incendiary firing from a mortar across a State line could be done with impunity, according to that position, if there was no law in the State of New York to meet that particular case.

Mr. P. maintained that the man who committed crime at a distance against a State, was just as amenable to the laws of the State he had outraged, as if he had committed the act within the limits of the State. He just as much fled from justice as the criminal who fled from the State. Mr. P. then read the opinions of Mr. Van Buren on an amendment to the constitution, in relation to the abolition of slavery within the District of Columbia, contained in the letter from the honorable Silas Wright to Thomas Ritchie, Esq., and also the letter of Mr. Van Buren to Samuel Gwin, of Mississippi, to show that Mr. Van Buren reserved the power in the States over this species of property; and that it could not be touched without an amendment to the constitution. Mr. P. denied that it could be so amended under any circumstances, and the time was now come when they must come up and meet this question. He then read an extract from a letter of Mr. Butler, the Attorney General, to Hugh A. Garland, of Virginia, respecting the meeting at Albany on the subject of slavery west of the Mississippi, in the year 1819, and Mr. Van Buren's course on that occasion. He also dilated on the proceedings of the New York Legislature in 1820, on the admission of Missouri into the Union, so far as regarded the question of slavery, in which Mr. Van Buren voted for the preamble and resolution declaring that Congress might exclude slavery from new States, before their admission into the Union. Mr. P. then referred to a publication he had received a few days since, entitled "Supplement to the Pioneer," from which he read sundry long extracts, maintaining the right of Congress to suppress slavery in the Territories and in the District of Columbia. There were hundreds of thousands of abolition publications issued from the State of New York, an act which was punishable in the southern States, but the criminal could not be reached, because he resided within the limits of other States; yet gentlemen from the South told us that the North was sound on this subject. He compared the conduct of the abolitionists with that of an armament of private citizens against one of the republics of South America. When such a thing was about to take place, with regard to Texas, he said, the President of the United States promptly issued his proclamation against the design; but no proclamation, no message, no letter, had been sent forth against these societies, who were conspiring a warfare against the institutions of the South.

Mr. P. drew a picture of the condition of the slaves of the South, contrasted with the laborers of the North, and commented at great length upon the above publication or address of the anti-slavery society. He maintained that the only way to meet the question was to vote for the amendment of the gentleman from Virginia. Any thing less than this would be "shirking" the question; would be evading it. The question of expediency would not now do. He believed there was a fixed determination to baffle the question; and he called upon the gentlemen of the South not to suffer it to be baffled.

Mr. BOULDIN then rose and addressed the House as follows:

Mr. Speaker, before entering upon the discussion of the several resolutions now under consideration, let me protest against a certain election, now so much talked of, having any thing whatever to do in this matter. Several allusions have been made to some supposed participation of that election with the resolutions now under debate. I cannot believe that any man would bring into hazard the life or safety of the infant that sits upon his knee, and, smiling, looks up to him for protection—the companion of his joys and his sorrows—his friends, his country, and every thing that is dear to him on earth—to forward any party views, or to elevate or disappoint the hopes of any individual. But should I be mistaken in this, I am sure I shall not be in another view of it. If attempted to be used on either side, it will soon be found to be a dangerous weapon, one that cuts both ways, and will soon be laid aside. To say you will never have a President from a non-slaveholding State, will provoke and give excuse to those of the non-slaveholding States to say they will never have one from a slaveholding State. This, if acted on, is a practical dissolution of the Union, and would soon produce it, in every sense of the term. Sir, when I go to the polls, I shall vote for whom I please at the time. Should the election come to this House, (it being then the vote of my district, and not my vote,) I shall vote as they please. As to how I am to find out what they wish, they can inform me in any way they may think proper. I hold myself bound to find out somehow. Nor have I any doubt but that I can. This is all I wish to have to do with that election. Let me then turn my back upon it, while this matter is under consideration. I will vote for no man, from whatever quarter of the Union he may come, who wishes to be meddling with the right of property, and especially that in slaves, because it involves other perils, besides the loss of property.

I will consider the constitutional question first. Although there is difference of opinion on this question—and, no doubt, honest difference of opinion—still I cannot see where the difficulty is. All admit a man's land or his horse cannot be taken from him in this District, any more than elsewhere; and that it cannot be done any where, except for the public use; nor even then, without just compensation.

Can, then, the constitutionality of the proposed abolition be sustained, without showing a distinction between the property a man holds in a slave, and that which he

holds in lands or horses? It surely cannot. If, then, there be any distinction, where does it lie? Is it to be found in the constitution of the United States? Certainly not. That instrument makes no distinction. While the federal constitution was under debate, with a view to its adoption, by the Virginia convention, Henry urged that this property was not secured, and gave his reason why he thought so. He was answered that it was; and that clause was cited to prove it, which provides for the retaking of a runaway slave or servant, in any State to which he might abscond. It was insisted by Henry that slaves might be taxed, until the tax would compel emancipation. Amendments were proposed, and most if not all of them afterwards adopted, which now form a part of the constitution, and stand as amendments. Further to secure this, and all other property, we find this amendment: "Nor shall private property be taken for public use, without just compensation."—(See amendment to constitution, sec. 5.) This was then the most valuable species of property held by the southern States, as well as now. This property was then almost entirely peculiar to the South, and they were unwilling to trust it to any one but themselves. This was the greatest stumbling-block in the way of the adoption of the constitution. The determination to hold it wholly within their own power, and trust it to no one, makes the South feel and know that State rights and State Governments are more dear to them than to any section of the Union. Sir, they did not mean to intrust it to those who they knew believed, or professed to believe, that property could not be held in a slave. With the clauses before quoted, and the other clauses in the constitution and amendments, all recognising and securing, or seeking to secure, this property, with many doubts and fears, and contrary to the advice of many of the wisest and best men we ever had, we adopted the constitution—went into the copartnership.

Have we gone into this confederacy with the principal part of our property thus recognised and secured; and shall the same instrument be construed to secure the property of one section of the Union, and not that of another section? Surely this cannot be. Some, seeing the palpable absurdity of this, fly to this idea: say they, you cannot liberate the slave now in being, but you may forbid the increase to be held as slaves. Compel us to maintain the mother, while she raises the children! The master is thus made slave to his negro! Take all the rents and profits, but hold the property in the land sacred! Be careful not to interfere with the right of property in the mare, but take away all the colts! Such ideas, however, though they may weigh upon the minds of others, weigh nothing upon mine. It is property, or not. The constitution is binding upon all, or none; none can claim under a deed or will, and against it, or deny its validity; none can hold on upon that part of the constitution which is to their advantage, and discard all the balance. What distinction can be drawn between property, and property in this respect? What, sir, shall you not be able, with the whole power of the confederacy, to take away a man's horse, worth forty dollars, unless it be for the public use, and not then without just compensation, and still be able to take his slave, his property, worth one thousand dollars, not for the public use, not with just compensation? Some have said this property might be taken away, if it became dangerous to the public. This cannot be for the public use. If set free they will not be property at all, and cannot be property for the public use. This is a strange idea—to make property useful to the public, by making it no property at all!

In the first place, a man cannot be placed in much greater danger, or a much worse condition, than by taking away from him the proceeds of his whole life's labor—his bread for his children. In the next place, it is wholly inconsistent with the profession, that those who contend for those powers in this District do not claim them over the States. If this argument, drawn from danger only, will authorize emancipation here, where there are but few slaves, (and, from the smallness of the District, there never can be many,) what will it not do, if transferred to Louisiana and Mississippi? In the third place, the danger is not less on account of the interference of strangers. And, in the fourth place, we never meant, nor do we mean ever, to put ourselves or property in negro slaves under the care and keeping of those who have no slaves. No, sir; no distinction can be drawn between the right to interfere with this property and any other, on the part of the Federal Government. When the States of Maryland and Virginia conveyed away this District to the Federal Government, they had procured a bond to be given by the Federal Government, that private property should not be taken for public use, without just compensation. How, then, comes it that this Government shall assume the power to take away the most valuable property they had, when it fell into its hands?—and that, too, (twist it as you will, at last it comes to this,) because other people do not like this kind of property—have scruples of conscience. Yet it seems many have no scruples of conscience that will prevent them from taking away the property of others—ay, sir, and after entering into the most solemn obligations not to violate an instrument which says you shall not, except for the public use, and then not without just compensation. It is not pretended to be disguised that there is a plan afloat for general emancipation; and these petitioners, generally, say they conceive this to be a part of the means to be used, in order to consummate their general object.

It appears to me that, view the memorials and arguments in every light, resting as they do upon some supposed distinction between this and any other species of property, they all must come at last to this point—that the property in a negro slave is no property at all. We have no thoughts of trusting half the whole wealth of all the South to abstractions of this kind. We claim negro slaves as property; we hold them as such; and the property in them was recognised, guarantied, secured, or sought to be secured, to us, against all interference. The constitution either secures it to us, or it does not. If it does, we have all we want upon that point. If it does not, we are deceived, and must secure it in some other way, but not by putting it under the control of those who have no slaves.

Many are of opinion that large manufactories are dangerous to the liberty, safety, and morals, of a nation. Shall we burn them down, sir, by act of Congress? Such ideas appear to me to be subversive of every security for property, dangerous to the community, and hostile to the peace and order of civilized life. I cannot see the least ground for asserting this power.

But, on the point of constitutionality, I can differ with any gentleman, from any part of the Union, and do it in perfect good will and good humor. With equal good humor and complacency can I hear abstractions on the subject of negroes and negro slavery. As long as they are kept north of Mason and Dixon's line, they can never hurt us of the South. Nor can they hurt there much; for, as my Lord Bacon says, "though such things work mightily on men's wits, yet do they produce no very great effects." The mischief never begins until an attempt is made to reduce them to practice.

I promised you, and, through you, my constituents, that whenever the abolition question came up, not entangled with any question of order, or with any extraneous matter, I would express my opinions and feelings upon it. Yet, who can be ignorant of what are the

feelings and opinions of a Representative of any portion of the slaveholding districts upon this subject? There is no difference of opinion or of feeling, either in regard to the right to interfere, or the disposition to do so, by the Federal Government. Nearly all these memorials declare, in terms, that they mean this measure to operate, in some form or other, to produce, or to induce, the emancipation of the slaves of all the South. The fact is not attempted to be covered, that there are untiring efforts constantly in action, the object of which is to emancipate our slaves. Some petitions propose to do it immediately. Others propose to do it gradually. I am entirely satisfied, that to do it, or use the means to do it, either way, is a violation of the constitution, subversive of private and public safety, and, if persevered in, fatal to the Union.

I have, however, no great solicitude on the constitutional question. When the mind gets its own consent to take from me my property, and endanger my life, upon speculative notions of this character, it is obvious it will find it easy enough to get clear of constitutional difficulty. And it is not material whether it come to this determination through infatuation, perversion of intellect, or perversion of moral sense, or from corruption known and felt; it will, in neither case, stand long upon constitutional construction.

Sir, I have been compelled to come to the conclusion, that when our lives and our property depend upon construction, and construction only, no great reliance can be placed in the safety of either.

The opinions of the greatest and best of men differ and change with time and change of circumstances. Look to the opinions of the great, wise, and good men, who framed and adopted this constitution, with its guarded, careful amendments. Mark the opinions delivered in debate on its adoption. I know they stand in the form of argument, but not the arguments of counsel, feed to maintain one side only. They are the arguments of a judge delivering the sentence of life or death; pronouncing sentence of life or death to a nation's independence. When Patrick Henry urged, before the Virginia convention, that, under the constitution proposed, a sovereign State might be dragged before a court, what did the late Chief Justice say in reply? Mr. Speaker, when I allude to the late Chief Justice of the United States, let me do it with all humility and homage to his great name and virtues. Would that I could pay a tribute as just and ample as it is sincere, to the splendor of his talents, the magnitude of his acquirements, and, what is more than all, to the purity and simplicity of his heart, and the unbending firmness of his justice.

In answer to Henry, and in support of the constitution, or rather its adoption, he said, among other things, "It is not rational to suppose that sovereign power should be dragged before a court." Does he then say, or even intimate, that, in the adoption of that constitution, a State would cease to be a sovereign Power? Far from it. Such a hint I do not recollect to have seen; at that day it might have been fatal to the adoption. He says further: "I hope no gentleman will think that a State will be called at the bar of the federal court." What he thought of it afterwards, after decisions and after opinions will show. We find that the most illustrious men have stood out for a time upon a constitutional difficulty, and yielded at last. Witness the history of the Bank of the United States. I may not be right--I hope I am not—but it appears to me that positions have been taken, which in their nature are impossible to be executed, and contrary to the spirit and letter of the constitution, and that by construction on the constitution.

Has no such position as this been substantially taken--an independent savage nation in the heart of a sovereign civilized State, under the protection of the federal court? I hope I am not right; but it appears to me that good men have convinced themselves that this is practicable, constitutional, and just; and that the savages are to remain, in all time, not subject to the laws of the State, scalping and tomahawking men, women, and helpless children, if they please, under the protection of the federal court. If all those whose ancestors took land from the Indians would return to them all the lands thus held, there would be room enough for the "poor Indians." "Can a man be pardoned, and retain the offence?" When, then, I see that great men can thus construe and thus act--great and good men, many of them as great and as good as any men in any age or country--I do not like to place my principal reliance on constitutional construction in this affair. I know we must rely mainly upon ourselves. But as far as depends upon our fellow-citizens and friends not situated as we are in regard to this property, especially members of this House, I am anxious to have an answer to this question: Do you (professing to be friendly to us of the South) mean to take any steps, directly or indirectly, to produce their effect now or hereafter, which steps are intended to take from us this property, and, in doing so, put us and the property both in danger? No man can answer to this for those that are to follow him. Each man must answer this question for himself. If the answer is yes, I care not a fig for his constitutional notion. I cannot feel that that person, whoever he may be, or whatever he may think of the purity of his own intentions, is a friend to me or mine, or to the southern people.

We of the South are notoriously assailed upon this subject, in church and out of church, (I mean no reflection on the church,) by societies and combinations of all descriptions in the Union, and of many foreign countries. Are we now to be assailed by this House? The votes which have been taken indicate decidedly that we are not—the friendly countenances I meet every day tell me it can hardly be. But if we are to be assailed by this House in legislative form, inevitable necessity has taken our course for us. Philosophers may dream, and fanatics may rave in their wild imaginations, but we know that our course is taken for us by dire necessity. We know that three millions of men are not to be managed by philosophic dreams, or the wild imagination of fanatics. Many are the schemes devised for our benefit by men and women, many of whom are as ignorant of the matter as they are officious in meddling with that which does not concern them. Some advise emancipation immediately, openly, violently; others propose to proceed more cautiously, carefully. The purposes being the same, (the emancipation of other men's property,) differing only in the means proposed to be used, the more temperate tells the more rash that he will defeat the object. So far, then, his rashness will benefit us. With such an object before him, the more guarded and circumspect he is, the more dangerous he is to us. There is only one point upon which all their schemes and plans ever agree—that we of the South sleep on a magazine of gunpowder. Some propose to set fire to this magazine openly, in broad day, and immediately; others say it would be best to burn it off gradually by a slow match, and hurt nobody. Sir, such speculations are amusing, as long as they are not attempted to be put into practice. This is the very scheme that was proposed and tried in St. Domingo. It was some time before the match caught the magazine of powder; but when it did take, it blew up the whole island at a blast. Instead of millions on millions of pounds of sugar and coffee, and numerous other articles of value, reared by the hand of care and industry for exportation, what have they now but the spontaneous growth of the island—mahogany and the like? Their population reduced to less than half—

many of the full-blood negroes now to be found in herds, naked and wild as the beasts of the forest, flying from the sight of man, even of their own country and color! This is the fruit of this scheme of gradual emancipation. In that experiment, as soon as the white people began to perceive the effect of this gradual scheme, almost all who could, left the magazine—left the island. Those that remained were, with the help of certain societies in France, massacred in the most treacherous and brutal manner. Those who innocently think that this powder can be burnt off gradually, have my thanks for intending me no other mischief than to burn my powder without my leave. Yet they must excuse me; I cannot agree to the project in any way. I wish not to add to any excitement that may exist, or fan the flame of discord. Yet, two years since, nearly, when I first had the honor of a seat here, I expressed a wish to print one of these memorials. It contained two propositions—one that it was a shame and disgrace, as well as pain, to northern and eastern gentlemen, and foreigners, to come to this capital and find slaves and slaveholders here. Every word applied as thoroughly to Virginia, and the whole South, as to this place. The other proposition was this—that if abolition took place here, in the heart of Virginia and Maryland, it would compel or influence them to do the like. Here was a direct proposition to use means to emancipate our slaves in these States. I wished to print this, and let the South know what was proposed, and what feelings these people entertained towards us, and how many they might be, many or few, and who they were. It was thought to be a firebrand by my honorable colleague, [Mr. WISE,] and I abandoned the idea, as that seemed to be the opinion of the whole South. Yet I thought and said, and still think, that if a friend detect a man attempting to burn my house or do me serious injury, and arrest it, he has only half done his work. His next duty is to tell me, that I may be on my guard.

It is not, then, a new thought with me that the South ought to know and understand that there is danger abroad; and I am happy to find my honorable colleague agreeing with me now.

I have considered this emancipating notion for a long time, and think I understand the quarter from which it is pressed upon us. This thing is found in the South as well as the North, though not to the same extent—in Europe as well as in America. It is found mainly among the aristocracy—I mean the money, that is the only aristocracy in this country—and among the gossiping classes, rich idlers, and their dependants, who, not being obliged to work, are speculating upon that which will involve the life and property of thousands and millions of honest, industrious citizens. I know all rich people do not do this, but it surely comes from that quarter. I never knew an industrious man, whose habit and business was to make bread with his own hands for his wife and children; nor any industrious woman, (his wife,) whose duty and habit and pleasure it was to honor her husband, and feed and clothe his children, that ever pressed this thing much upon any one, or meddled a great deal with other people's business in any thing. This class have not time for such things. Do not understand me to assail the wealthy part of the community rudely. Far from it. As they have the means and leisure to acquire, so have they much intelligence and many accomplishments not to be found among the poorer classes. As they are freed from the temptation incident to want, so are they free, in a measure, from many of the vices to which those who are more pressed by want and necessity are more subject. I only speak of the fact, as I conceive it to be, without disparagement to either class.

I wish not to provoke the ire of those who are friendly to us, though not living in a slaveholding district. To go crusading against people about their abstract notions, could only be equalled, in absurdity, by the crusade of the fanatics against us for that which we cannot help, if we were ever so anxious. I know that fanaticism is abroad in the land; north and south, east and west, in Europe and America. With that it is useless, worse than idle, to attempt an argument. It is in vain to appeal to its bowels of compassion.

> "Arouse the tiger in the Hercanian desert,
> Strive with the half starv'd lion for his prey;
> Lesser the risk, than to rouse
> The slumbering fire of wild fanaticism."

It seems to palsy every valuable faculty of the mind and the soul. Look but at the crusaders; see how they went on like raving maniacs for more than two hundred years. Many of the most prudent and worthy men, whose every action was weighed in the balance before their course was taken; every effort for their family, their friends, and their country—many thousands of such men, suddenly influenced by the hermit Peter, or some such fanatic, abandoned all they had been toiling for all their days, or sold it to purchase an outfit for the expedition to the Holy Land. How many seas between, how many hostile lands, they never thought to inquire; how many armies they should have to subdue, they disdained to estimate. They pressed forward, regardless of the fields whitened with the bones of others cut off in the same mad career. Men of wisdom as well as men of folly were eagerly and equally engaged in this enterprise. Now, men of all kinds, wise or foolish, look back upon them and their mad career with utter astonishment, and stand amazed at their madness. The excitement upon the subject of negro slavery appears to me to be exactly similar, and nothing but God has power to arrest it.

To desire the prosperity and happiness of the whole human family, and endeavor to promote it, is genuine benevolence, which is the queen of all the virtues. Free from all fanaticism, many of the wisest and best are deeply concerned for the negro race. To such feelings and such notions my heart yields its most profound and warm devotion.

I cannot, however, participate in their hopes or their efforts. When I look back into the records of past ages, and am unable to find this race at any period, in all time, in any place, equal to their own protection against any other race of men, I cannot but feel that man's efforts to alter a destiny so abiding must prove unavailing. I mean the negro race. The Moor, the Carthaginian, the Egyptian, were all black, or nearly so, but not negroes. The negro has several marks that distinguish him from any other race. The most remarkable is his woolly hair. I do not mean to reproach him with this peculiarity, nor can I see any necessary connexion between this peculiarity, or any other that he has, and his inferiority. I mean merely to say that I can find no satisfactory proof that, in any time past, this race has been found equal to his own protection against any other race. While a son is an infant, under father or guardian, he can be provided for and taken care of; but when of full age, if he cannot take care of himself, he will hardly be taken care of: much more certainly is this the case with a nation or race that is not equal to its own care and protection. Who will take care of a nation that is not able to take care of itself? I cannot find any proof that this race has ever been in any other condition. What was their condition in the days of Solomon? "Negro slaves were, in those days, extraordinary marks of luxury, pomp, or show; and were sometimes exhibited as objects of curiosity. Josephus, speaking of the trade carried on by Solomon at Ophir, which he places in Africa, mentions that, besides gold and silver, he obtained thence much

ivory, blacks, and monkeys; and these formed the greatest part of the African trade, even till late years. Solomon bought the negroes for the service of the temple, the high priests, and the seraglios, whence some few found their way, as presents, to the courts and cities of foreign Powers. But in the subsequent ages, the decline of the kingdoms of the East extinguished the demand for such articles of luxury; the speculation of foreign commerce ceased; the avenues to distant objects became blocked up or forgotten; and the negro provinces of Africa, retaining only a very precarious communication with the Moors and Arabs, remained unnoticed and unknown, until the Portuguese adventurers again opened a route to their shores, two thousand four hundred and forty years afterwards." Such was their condition then—such it is now. The best protection they seem ever to have had, is the African climate, in which no abiding European settlement ever could be made, though tried in all ages; and Asiatics can with difficulty.

After the lapse of two thousand four hundred and forty years, what was their condition still? While other races have been rising into eminence and falling into barbarism, they remain the same—ay, sir, and are still the same. Efforts have been made for three hundred years to civilize them, and advance them on their own shores, but all in vain. Some of the old historians use expressions as if the Egyptians were negroes; but the proof is now ample that they were not negroes, but had negro captives among them. All the Egyptian mummies, with scarcely any exception, have straight hair and Asiatic faces—all the sculptures, statues, and paintings, show that they were not negroes. Sir, can you believe that the famous Queen of Sheba was a negress, and it not mentioned? Had she gone up, with her woolly hair, and lips higher than her nose, into all the splendor of Asiatic magnificence, would not such a novelty have been mentioned?

The only doubt that can be raised is in regard to the Ethiopians. Philosophy took its rise first in that country. It seems easily shown that it was a nation formed of people of different races. As I can find nothing certain to show that the philosophers of that day were not negroes, I cannot say they were not; yet, upon the weight of testimony, what probability is there that they were? None that I can see. They have never taken the lead since. Some individual might, but exceptions prove the rule; yet I have no recollection of ever having seen an individual instance of a first rate man in any thing (except perhaps music) of that race.

There are hordes and nations of them in that neighborhood (Ethiopia) exactly such as they were thousands of years ago.

There is a race spoken of in the Old Testament, of whom it is said—"Cursed be Canaan; a servant of servants shall he be unto his brethren." I have much confidence in the truth of the Old Testament, as well as the New. There are many things in each beyond my reach, upon the common rules of evidence, to know whether they be true or not, but there is nothing that I ever could find to be false. If in this the negro race is not alluded to, I do not know what race is alluded to. If I did not find a race of men, as I think, exactly agreeing with it, I might have passed over it, as a thing the application or truth of which I could not exactly see. From age to age they have fulfilled this saying. Shall we say it is wrong, and we will alter it? Or shall we say we do not believe it? And why not believe it? See the prophecies of the Jews. There are the prophecies, and here are the people; proving, by their condition, the truth of the prophecy. Their condition could not have been inferred from what had been the condition of that or any other people, before or since the prophecies. It may seem hard, and does seem hard, as far as we are able to look into it, and nothing but positive submission to overruling destiny in the eyes of the unbeliever, or submission to overruling Providence in the eyes of the believer, confiding in his wisdom and goodness as well as submission to Omnipotence, can reconcile the heart of a kind man to it. And, sir, should either rebel, what effect would rebellion have?

Some say the negro would be equal, with an equal chance. If so, he must prove it by his own actions. It cannot be proved by supposition or hypothesis. Why has the negro not had a chance? Why has he not caught the European, the Asiatic, the American, in his turn? Other races have been up and have been down; but they have been down always.

I know many wise and great men have hopes that the negro race may be yet brought up to an average with other races. I am obliged to feel respect for the opinions, or even the serious hopes, of men of great talents and virtue. Yet, having been raised in a slaveholding section, and being so well acquainted with their character there, and having taken some pains to inform myself of their previous condition, I cannot feel any serious hope of their ever being brought up to that condition by man's agency.

Judging from individual cases, a man might hope; but exceptions prove a rule, though they may exist. It is contrary to all logic to argue from particulars to generals; but I am not informed of one exception in which it appears that the negro has arisen to any thing like an equality in any one great pursuit of learning, or any thing else, compared to the first-rate in that same pursuit in other races. God forbid that I should disparage them. Oftentimes it happens that they are better and more intelligent than many who are lamenting over their ignorance and depravity. We have scripture authority to show that we are brothers; and the authorities I have quoted from, and alluded to, are not intended to upset the scripture, but to prove by other evidence the truth mentioned in the scriptures, that we are all from one stock. They prove it to my satisfaction; and I believe would have proved it if I had never heard of the scripture.

I do not rest our course to be pursued upon the truth or falsehood of my opinion on this matter; our course is marked by necessity. Whether negroes be equal or inferior—whether it was right or wrong in the origin to have brought them here—whether slavery in the abstract be right or wrong—they are here in such numbers, and so interwoven with our institutions, we cannot get clear of them without doing a great deal worse by them and ourselves, than by holding them. To get clear of them we should be obliged to exterminate them in self-defence.

The only use I wish to make of this view of the matter is this: If the success be so doubtful and even hopeless of placing the race in a safe condition, and raising them upon a level with other nations, there is less propriety in pressing upon us, when evils are great and incalculable, and benefits just within the range of possibility. A question is asked, what is to be done? I know but one answer. Leave it to God. In the ripeness of time, and in his own way, he will do right about it. The spheres keep their place and the heavenly bodies move in their orbits without regard to any agency or resolutions of men. Surely, then, when subjects grow so large, and the consequences of interference so perilous, men can never be held responsible for leaving them in the hands of an overruling Providence, where at last, let man resolve what he will, they must remain.

Their weakness can never give us the right to abuse them. But necessity and legal right compel and entitle us to hold them. I have no idea that, under the circumstances, it is a crime to hold them, and shall not trouble you or myself with nice questions of what would be my opinion under other circumstances; yet I will say, sir,

that I see nothing more monstrous in this thing, in any way, than in many other things elsewhere. I see nothing to induce me to believe that if the pious rage of the fanatics had carried them before Christ, when on earth, under the same circumstance, as some of their brethren and predecessors did, in regard to the woman who was taken in adultery—I say I can see nothing in it to prevent his giving the same answer. "Let him that is without fault cast the first stone." If they will obey this rule, I am willing they may throw as many as they please. But they have not the shame or self-condemnation that the others had.

"They've nought to do but mark still
Their neighbor's faults and folly."

One thing is observable. Adultery is forbidden, and put with murder, and the list of blackest, deepest crime. Slavery is nowhere forbid, at least in terms, if at all. We are driven to long inferences, and that against fact. It existed all the while, and still not expressly forbidden, or by any reasonable implication. Yet, sir, do not understand me as branching out in defence of slavery, or against it in the abstract; I speak only as to our present condition; the most inconvenient feature of which is, that it lays us liable to fanatic and unauthorized interference from others. If we indulge the noble feeling of hospitality, the delight of the southern man, and take into our bosom the foreigner, seeking fortune or seeking pleasure, we put it into his power to touch us in this tender place. Pity enough is it that human depravity and human ingratitude should be found great enough to abuse it; and still greater would be the pity, if, entering into the closest alliance of friendship and interest with others, they should be found willing to touch us on this tender chord. I will pass from this gloomy view of the subject; it is an old story and an old truth, that the heart of man is deceitful above all things, and desperately wicked.

It might seem that Providence intended something for the benefit of the negro race, in suffering a portion of them to be brought among civilized men, where they could be governed and protected under and by their laws, until they were prepared to receive his further blessing. If this be his design, I have no idea that man can defeat it. To carry them back to Africa would seem well calculated to stay all advance in their career. But the idea of carrying all the negroes back to Africa was never entertained seriously, I imagine, by any one. There are about three millions. To carry them and find a home for them in a distant country is an easy job for fanaticism; but all time is unable to show any thing like it. We are talking of war with France, and France talking of war with us. Think of the cost of the few regiments that either would think of sending across the Atlantic. The fanatics think, and think rightly, that the cost would be worthy the consideration of both nations. This is not the point upon which their brains are diseased. But to send three millions across the Atlantic, and find a home for them, and defend them until they are able to defend themselves, is a light matter in the estimation of fanaticism. Viewing, on the whole, this project as utterly impracticable, as well as unconstitutional, I am opposed to any interference of any kind calculated to irritate. We are told that slavery among us is a sore evil. Sir, if a man be afflicted with a cancer on a vital part, what would he think of a surgeon who would propose to cut it out? What would you think of a surgeon who would insist upon amputation, when you knew the consequences would be death? What would you think of the charity or kindness of him who would persevere in chafing and irritating an incurable wound? To let us alone to our destiny is the kindest favor that can be bestowed upon us.

I will now proceed to answer some of the charges that have been made against the South, as a pretext for interference with our matters. Sir, they draw their conclusions from premises not one of which is true in point of fact.

It is not true that the Africans in their native country are made worse. They were, very many of them, cannibals, when the slave trade commenced. Instead of catching, killing, and eating, their enemies, they now catch and sell; careful not to kill.

It is not true that the slaves are worse off here than in their country. Lander's Travels show that four fifths of them are slaves. As Mr. Randolph said, "It is the happiest occurrence that ever could have befallen them. They are taken from a country where they are little better than baboons, and transplanted into one where they are made intelligent beings and Christians. As to the whites," said he, "it is another matter." They are freer, happier, and more intelligent, and more pious, than they were in their own country.

It is not true that the whites are worse than the white men in other countries. Any judgment formed here would be charged with partiality. Go to any country abroad, and see if a southern man stands questioned by his locality. Who stands higher than a southern gentleman, for honor, truth, justice, piety, or virtue, in any sense? Has he the name of a hard-hearted, hard-handed tyrant? Sir, his character is known in the world. And does it suffer by comparison with that of gentlemen of any non-slaveholding State? Who, for pure, feminine modesty, and unsuspected chastity, as well as every other quality that can recommend her to the love and admiration of stranger or acquaintance, stands better in the eyes of the world than the southern female? Is it supposed that she will suffer by comparison with femalesi n any non-slaveholding State?

It is not true that the southern people are less safe, in any sense, unless from the meddling of others. Where is the country that has had less violence in its bosom, within two hundred years, than the South? The affair at Southampton is the only one of any size. How much fanaticism had to do with that may be doubtful. What has been the case with non-slaveholding States? Have they had no mobs, no riots, in that time? Have the United States troops never been obliged to lend their aid? There is no country where there is less personal violence, fewer robberies, especially by the negroes. Personal security is as great as any where in the world. Often a lady, with thousands of dollars in her custody, with no other white protection than her beautiful daughters or grand-daughters, some miles from any other white person's dwelling, surrounded by fifty or one hundred and fifty slaves, her only protection; all who know any thing about it, know what would be the peril at which an attempt would be made upon her. There rest treasure and beauty secure together. Think you they would be more secure, thus guarded by hirelings, in a non-slaveholding country?

It is not true that the free negro here is better than the slave. Judge him by the communion table, the jail, the whipping-post, or the gallows; and they will give it in favor of the slave. Put them to any test, it will turn out the same.

It is not true that slaves are as dishonest as is said and supposed by those not acquainted. Captain Smith, who first made a permanent settlement in Virginia, says, "as in all countries, where there are many people, there are some thieves; so in all seas, much frequented, there are some pirates." There is stealing, then, by land and by sea. The jails and gibbets prove this all over the world. But I will state a fact by which comparison may be drawn with other places. Having practised law in the country, in the courts of the interior, the

nature of that profession has, for twenty years and more, carried me into houses, public and private, from the residence of the most affluent to the most humble dwelling of the poor. I carried saddlebags without a lock, and never lost the value of a cravat in my life from them. In all that country negroes are the domestic servants, and, in almost all instances, such things are committed to their care. There are many places where there are no slaves, at which, if your hat, or cloak, or trunk, get out of sight, or is not delivered to some one who has given bond and security to return it to you again, or place it where you direct him, you will never see it again; and then, unless you have the number or description of the porter, it is infallibly gone. I do not mean to say slaves do not steal; they do steal, but not more than people do in many places where there are no slaves.

It is not true that they are worse provided for than laborers in other places. The increase in that population will prove this, without any thing more. In many places where there are no slaves, the increase in population is nothing, being limited by the means of subsistence. I sat, sir, and my heart bled for the sufferings of the poor in New York, as painted with such feeling and eloquence, by a gentleman from that State, [Mr. Ferris,] at the last session. I wondered that, while so much sympathy was felt for our slaves, there were no bowels of compassion left for these poor sufferers—groups of them, in that extreme cold weather last winter, hovering for days and nights over smoking saw-dust. This, too, because a protecting duty was laid on foreign coal, that the rich collier might realize a few cents more to the bushel, to add to his thousands, perhaps millions; and this appeal was made to induce us to take off that duty. I have never seen slaves in any situation comparable in suffering to this.

It is not true that the whole of life between master and slave, is that of tyranny on the one hand, and hatred on the other. I have never seen stronger or more lasting friendships than are found between the children raised up in the same family. I have never seen more bitter tears shed than I have seen dropped by the domestic slave over a deceased master or mistress, or other member of the family. Often have I known the mistress to rise at midnight, and travel through the most inclement weather to the sick bed of her servant and friend—yes, sir, friend—and watch over her, and sympathize with her in all her affliction, until the rising sun. I have seen this done often by the slave, though wearied by toil—willingly, voluntarily. I have seen him go to the sick or otherwise afflicted master or mistress, and nurse and watch all night. This is no rare or uncommon thing. Why, then, should it be said of us that the relationship between master and slave destroys all the finer feelings of the heart. Happy is that man in his friendships who has as many friends, who will risk their lives for him, as a large slaveholder generally has slaves who will peril their lives for him. This is said to be induced by interest only. It is not. But grant it. Neither interest nor any other motive can induce many to do so to the suffering poor. It is not true that the relationship will produce the effect to destroy noble feeling. Where do we get our ideas of honor and chivalry but from the days of chivalry; and who were in more positive bondage than was the page or the squire to his superior?

It is not true that slaves are more idle, or their labor less profitable. The exports from this country will show this. Three articles of export, the proceeds of slave labor exclusively, cotton, tobacco, and rice, amounted, a few years since, to sixty millions out of eighty millions of dollars, the whole export; and that exclusive of what is used in this country. There cannot be more than two millions of thirteen (the whole population) employed in it.

I have denied some charges against the South, merely because they have been so often repeated that, if not contradicted, they might be taken for admitted. But I deny all right in any to challenge, question, or meddle with us in our affairs, in that which does not concern them.

Neither do I mean to be construed as an advocate for negro slavery, or any other kind of slavery, in the abstract; only such as we have and cannot get clear of. As to the negroes, I should be willing to get rid of them in any way that is consistent with humanity and the rights of the owners. I am not willing to violate private right, public right, or common sense and justice, about it; neither am I willing to see them sacrificed for my whim or benefit. Self-defence might, and will, if there be much more interference, instigate them to acts that will compel us to sacrifice them.

One word more before I resume my seat. I have much confidence in the good feeling of this House towards us in this thing; much more than I had before it was openly agitated here. Yet, let me appeal to gentlemen by every tender endearment of peaceful life and security, under the freest and happiest Government on earth, not to suffer this thing to be pushed on us by legislative action or encouragement. When once we are sure that you deliberately design to push this on us, we are friends, we are brothers no longer. Let none flatter themselves, that when the elements of civil war and discord are matured for action in this nation, they will be secure in some safe and peaceful retreat, far removed from slavery and its consequences. When once these elements are put in motion, (at whatever end of the continent,) their desolating flame will rage from one end of the confederacy to the other, until we die the death of all former republics, and are buried in their family vault, within the arms of despotism. This has been the fate of all, and will, I fear, be ours.

The House then adjourned.

WEDNESDAY, JANUARY 20.

SMITHSON LEGACY.

Mr. CHAPIN moved to consider the motion, which he submitted yesterday, for printing 5,000 copies of the report, submitted yesterday by Mr. ADAMS, from a select committee, together with the President's message, correspondence, and will, relating to the bequest of James Smithson, late of London, deceased.

Objection being made,

Mr. MANN, of New York, said the report was in reference to a subject of considerable interest, not only to the House, but to the country generally. As the report was in the hands of the printer, it was proper that, if an extra number of copies was ordered, it should be done at this time. He moved to suspend the rule, for the purpose of entertaining the motion to print; which was agreed to: Ayes 107, noes 46.

Mr. HOWARD desired to know from some member of the committee the purport of the report, and what disposition was proposed to be made of the bequest. He was entirely ignorant on the subject.

Mr. CHAPIN, of New York, said he would, as a member of the committee to which the subject of the Smithson bequest had been referred, answer the inquiry of the honorable gentleman from Maryland, [Mr. HOWARD.] It was not proposed, either by the report or bill which the honorable chairman of the select committee [Mr. ADAMS] had submitted, to indicate the plan or organization of the institution to be founded. At present, it would be entirely premature to do so; because the first step was to obtain the funds, leaving the

application of them to future legislation. The bill provides that the President of the United States shall appoint an agent to prosecute the claim in the court of chancery in England, where the funds are locked up, in behalf of the United States, and, on the receipt of them, to give the proper discharge or acquittance for the same.

Sir, the bequest of James Smithson, amounting to nearly half a million of dollars, is among the most liberal benefactions upon record. Coming, too, as it does, from a citizen of Great Britain, who is not known to have visited the United States, or to have had any friends residing here, it may be regarded as a distinguished tribute of respect paid by a foreigner and stranger to the free institutions of our country. It is due to the memory and character of the donor, that suitable publicity should be given to this noble and generous act of public munificence; it is due, also, as the acknowledgment of the grateful sense of Congress, in behalf of the people of the United States, for whose benefit the bequest was made; and it is in an especial manner necessary, in order to call the attention of men distinguished for learning and talents in all parts of the Union to the subject, for the purpose of obtaining an expression of their views and opinions in regard to the plan and organization of the institution proposed to be established. This splendid benefaction confers immortality upon the individual by whom it was bestowed, and does honor to the age in which we live.

Mr. C. concluded by expressing the hope that the motion to print would be adopted by the House without a dissenting voice.

Mr. PARKER said the House had not entirely got out of a debate which had arisen upon a bill which was intended to provide for their own pay, in reference to the alleged excessive expenditures of the contingent fund of the House, for the item of printing. A great deal of complaint was made on the occasion alluded to, because of the number of the President's messages ordered to be printed by the House. He was so case-hardened, that he would, upon a like occasion, do the same thing again. He was, however, not prepared to vote for the proposition before the House. The report was doubtless an able one, but he could see no reason why five times the number which were necessary for the information of the House should be printed. It would be recollected that a report had been made in the Senate on this subject, which had been published in all the newspapers he had seen. They would not be called upon to make any disposition of these funds, because they had not yet received them; and if they ever did, it would perhaps be fifteen or twenty years first. Upon the whole, he did not consider it at all important that an extra number of this report should be published.

The motion to print 5,000 extra copies of the report was then agreed to.

SLAVERY IN THE DISTRICT OF COLUMBIA.

The House resumed the consideration of the resolution heretofore submitted by Mr. JARVIS, of Maine, and modified by the adoption of an amendment offered by Mr. GLASCOCK.

The question being on the motion of Mr. WISE to insert a substitute for the resolution—

Mr. WISE (by consent of Mr. BOULDIN, who had the floor) modified his motion so as to move an additional resolution to the resolution offered by the gentleman from Maine.

Mr. GLASCOCK remarked that he had no objection to this motion.

Mr. VANDERPOEL asked whether this subject would occupy the day, or be limited to the hour assigned for resolutions.

Mr. BOULDIN did not yield the floor for the purpose of this inquiry, and said he might as well finish what he had to say on this subject at the present time. He resumed, and concluded the remarks which he commenced yesterday. [Mr. B's speech is given entire in yesterday's debate.]

Mr. PICKENS took the floor.

Mr. CAMBRELENG moved the orders of the day.

Mr. PICKENS suggested that the motion was not in order, as this subject had been made the order of the day.

The CHAIR stated that the motion would not be in order till one o'clock, and he would not decide the question of order in advance.

Mr. PICKENS commenced a speech on the subject of the resolutions, and continued till one o'clock.

Mr. CAMBRELENG then moved that the House proceed to the orders of the day.

After some conversation between Mr. PICKENS and the CHAIR, the CHAIR decided that the motion was in order.

Mr. HAMMOND asked for the yeas and nays on this motion; and they were ordered.

The question being taken, there appeared yeas 105, nays 105, as follows:

YEAS—Messrs. John Q. Adams, Heman Allen, Ash, Banks, Barton, Bean, Bockee, Bond, Boon, Borden, Boyd, Briggs, Brown, Cambreleng, Casey, George Chambers, Chaney, Chapin, Childs, Clark, Coles, Cramer, Cushman, Davis, Denny, Dickerson, Efner, Fairfield, Farlin, Fowler, Fry, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Granger, Grantland, Graves, Grayson, Haley, Joseph Hall, Hannegan, Hard, Samuel S. Harrison, Hawes, Hazeltine, Hopkins, Howard, Howell, Hubley, Huntington, Ingersoll, Ingham, Janes, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Laporte, Lawrence, Gideon Lee, Joshua Lee, Logan, Loyall, Abijah Mann, Job Mann, William Mason, Moses Mason, McKeon, McKim, Miller, Milligan, Moore, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, Phillips, Potts, Reed, John Reynolds, Joseph Reynolds, Russell, Schenck, Seymour, Shinn, Smith, Spangler, Sutherland, Taylor, John Thomson, Toucey, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Webster, Whittlesey—105.

NAYS—Messrs. Chilton Allan, Anthony, Ashley, Beale, Bell, Bouldin, Bunch, Bynum, John Calhoon, William B. Calhoun, Campbell, John Chambers, Chapman, N. H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Connor, Craig, Crane, Cushing, Darlington, Deberry, Dickson, Dromgoole, Evans, Everett, Forester, French, James Garland, Rice Garland, Glascock, Grennell, Griffin, Hiland Hall, Hamer, Hammond, Hardin, Harlan, Harper, Albert G. Harrison, Hawkins, Haynes, Hiester, Hoar, Holsey, Hunt, Huntsman, William Jackson, Jabez Jackson, Jarvis, Henry Johnson, John W. Jones, Lawler, Lay, Luke Lea, Lincoln, Lucas, Lyon, Manning, Martin, John Y. Mason, Samson Mason, Maury, May, McCarty, McComas, McKay, McKennan, McLene, Mercer, Montgomery, Morgan, Morris, Muhlenberg, Owens, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Peyton, Pickens, Pinckney, Rencher, Roane, Robertson, Rogers, William B. Shepard, Augustine H. Shepperd, Slade, Sloane, Standefer, Steele, Storer, Taliaferro, Thomas, Waddy Thompson, Towns, Turner, Underwood, Weeks, White, Lewis Williams, Sherrod Williams, Wise—105.

The CHAIR voted in the *affirmative*.

So the House determined to proceed to the orders of the day.

The engrossed bill, to extend the charters of certain banks in the District of Columbia to the 1st day of October, 1836, was read a third time, and passed.

PARTIAL APPROPRIATION BILL.

The bill making appropriations, in part, for the support of Government for the year 1836, was taken up.

Mr. CAMBRELENG moved to postpone this bill; and said that, in moving the orders of the day, it was his object to call up the bill for the relief of the sufferers by the fire in New York. It was necessary to act on this bill, in order to remove the embargo now laid on the commerce of the city of New York, in consequence of its delay.

Mr. WISE remarked that he should oppose the motion to take up that bill.

Mr. J. Q. ADAMS asked when the general appropriation bill would be reported.

Mr. CAMBRELENG said it would be reported on Tuesday morning next. It had been delayed by the illness of one of the principal clerks of one of the Departments.

The motion to postpone the bill was agreed to.

After some conversation, in which Mr. HARDIN, Mr. CAMBRELENG, and Mr. WHITTLESEY, took part,

On motion of Mr. UNDERWOOD, all other bills lying on the table were postponed, in order to take up the bill for the

RELIEF OF SUFFERERS BY FIRE IN NEW YORK.

The House having then again resolved itself into a Committee of the Whole on the bill for the relief of the sufferers by the late fire in the city of New York—

Mr. EVERETT spoke briefly on the subject of the bill, and indicated several amendments which he should offer if in order. One of these amendments provides that the collectors shall take new bonds in every case; and another that the debtors shall pay interest on the bonds for the time for which the payment was deferred.

Mr. DENNY said his chief objection to the bill arose from its conflicting with that clause of the constitution which provided that there should be no preference given to one port over another. The second section of the bill did go to alter, to a certain extent, the present revenue regulations. The first section of the bill provided for the relief of individuals who had suffered by the fire; but the second section was too general; for it extended to all the importations in the port of New York prior to the late fire, and to that extent gave preference to New York over every port in the country. It was partial legislation, in direct violation of that clause of the constitution. It also conflicted, he thought, with the act of 1832, commonly called the compromise bill. These were his objections to the bill. He would have been glad if the bill had been more specific, had classified the sufferers, and discriminated between those who were the citizens and the foreign agents.

Mr. PEARCE, of Rhode Island, said the bill was already so encumbered with the amendments, that he should not offer then what he intended to at a future period of its consideration. The bill was too partial in its operations, and left altogether unprovided for those who had most claim upon the community and upon Congress. There was but one portion of that community who ought to be relieved. It was those who had imported goods, had them in packages, and lost them by the fire. Mr. P. said, at the proper time, he should move a third section to the bill, providing that the Secretary of the Treasury be authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to all other persons who have suffered loss of property by the late conflagration in the city of New York, not provided for in either of the sections of the bill, fifteen per cent. on such loss.

Mr. P. urged another objection to the bill; which was that of giving up the power of Congress over this matter to the collector of New York. No man esteemed that gentleman more highly than he did, but he never would consent to give up such control to any man, as was proposed in this bill. Another feature of the bill was objectionable. It provided that no sufferer could receive any benefit from it, whose loss did not amount to the sum of $1,000. He also referred to various analogous acts of relief, and argued at length against the provisions of the present bill.

Let those, he said, who have suffered, bring their claims individually before Congress, and let them be investigated; but this bill was in violation of all existing precedents, and conflicted with the principle on which alone relief should be afforded. It provided for the most wealthy, and omitted the most needy. The bill was not what it purported to be. It was not "a bill for the relief of the sufferers of New York," but a bill extending accommodation to the mercantile interest of New York.

Mr. PHILLIPS rose and stated that he desired to address the House on the bill; but that, as the hour was late, he would move that the committee now rise.

The motion was agreed to, and the committee rose, reported progress, and obtained leave to sit again.

On motion, the House then adjourned.

THURSDAY, JANUARY 21.

SLAVERY IN THE DISTRICT OF COLUMBIA.

The SPEAKER announced the first business in order to be the question of order upon the appeal from the decision of the Chair in reference to a petition praying the abolition of slavery in the District of Columbia, presented heretofore by Mr. ADAMS, upon which Mr. GLASCOCK had raised the question of reception.

Mr. MANN, of New York, said the House had from time to time manifested a disposition to postpone this subject. He could see no propriety in disposing of it now, inasmuch as a question of more importance was before the House and undecided, which was connected with the same subject. Congress had been seven weeks in session, and but two bills had passed the House: one of which was in relation to the accounts of the American consul at London, and the other in regard to the hostilities of the Indians in Florida. There existed manifest necessity for action upon various measures of importance, and he therefore moved to postpone the further consideration of the subject before the House until Saturday week.

Mr. ADAMS said he was desirous of having the question taken on the appeal from the decision of the Chair, because, so long as that decision stood, there was no possibility of the people having a chance of presenting their petitions to the House. On the last petition day it was with difficulty that a discussion, which would have occupied the House the whole day, was avoided, and the people precluded from having their petitions received. If the question was decided that a motion not to receive a petition was not subject to the 45th rule, he would pledge himself to offer an amendment to the rules, because it would be in the power of any one member to get up and move that a petition be not received, and then, according to the decision of the Speaker, the whole day might be consumed in discussing that petition. He hoped the House would decide the question at once. If the House decide that the decision of the Speaker was wrong, it would be equivalent to an amendment of the rules. Gentlemen were mistaken if they thought that by putting this question off from week to week they would get rid of it. He believed if the Speaker would reconsider his decision he would reverse it; but if he would not, he (Mr. A.) would ask the House to decide whether the people should have the right to have their petitions received or not.

The motion to postpone was then agreed to: Ayes 94, noes 59.

After transacting some other business,

The House then resumed the consideration of the following resolution, heretofore offered by Mr. JARVIS, of Maine:

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress. And be it further resolved, that in case any petition praying the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid upon the table, without being referred or printed.

To which Mr. WISE submitted the following amendment:

"*Resolved*," and insert, That there is no power of legislation granted by the constitution to the Congress of the United States, to abolish slavery in the District of Columbia, and that any attempt by Congress to legislate upon the subject of slavery will be not only unauthorized, but dangerous to the union of the States.

Mr. JARVIS subsequently modified the original resolution as follows:

Whereas any attempt in this House to agitate the question of slavery is calculated to disturb the compromises of the constitution, to endanger the Union, and, if persisted in, to destroy the peace and prosperity of the country: Therefore,

Resolved, That, in the opinion of this House, the subject of the abolition of slavery in the District of Columbia ought not to be entertained by Congress. And it is further resolved, that in case any petition praying for the abolition of slavery in the District of Columbia be hereafter presented, it is the deliberate opinion of the House that the same ought to be laid upon the table, without being referred or printed.

The question before the House being Mr. WISE's amendment, which he subsequently moved as an additional resolution to Mr. JARVIS's—

Mr. PICKENS rose and observed that he regretted exceedingly the necessity that induced him to say any thing on the interesting and deeply exciting topics before the House. Sir, when I had occasion, some weeks since, to make a few remarks on this subject, I, as well as the party I have the honor to be associated with, were then denounced as attempting to raise a discussion and excitement for party purposes. It was said that, like the Hartford convention men and abolitionists, we were put down and sunk in the country, and that we desired some sectional excitement to raise us from our weak position, &c. I would disdain to notice this, if the charge had originated from, and been confined to, a miserable whipster editor, who has been hired to hunt down all that is virtuous and intellectual in the country, who has fed upon calumny and fattens upon slander, and upon whose countenance envy and malignity hold their cadaverous union; I would loathe to touch this pitiful thing, that lives by licking the spittle of men, if it were not that it is understood to represent the executive branch of this Government, and is the organ of the dominant party that now rules the destines of this republic. This being the fact, I call upon every honest and virtuous man to brand it with the indignation that its falsehood and infamy deserve. Let no man suppose that, because I belong to a comparatively small party, persecuted and misrepresented, my voice is ever to be silenced upon this floor, when the honor or the interests of those I stand here to represent may be involved, directly or indirectly. No earthly consideration shall deter me from uttering the sentiments of my heart on this subject. Let no man make it a question for partisan warfare or for party triumph. It rises above all parties, and is identified with the dearest and paramount interests of every southern State in this confederacy.

Mr. Speaker, I have seen enough to convince me that there is an unsound state of feeling here and elsewhere, totally at war with our rights and our institutions. I have not read passing events for the last year, to be now deceived at what I see. I agree with gentlemen, when they say the abolition societies and their open partisans are at present, compared with other great parties, small, so far as numbers are concerned. But, to ascertain their real strength, we must examine the peculiar division of parties that exists in the non-slaveholding States. Take, for instance, New York, and we find there the anti-masonic party, the whig party, and the party I believe called the "regency party." From the division of these parties, the abolitionists become important and powerful, as holding the balance of power; hence it is that all other parties, desiring their strength, acquiesce, to a certain extent, in their measures and movements. There is a high game playing for political power, and those who would seem to be weak from numbers become strong from position. Their strength consists in fanaticism—in painting scenes of imaginary evil—in appealing to the passions of the heart, and, as the gentleman from Massachusetts [Mr. ADAMS] says, to their religion. And when was fanaticism arrested? Look at its history all over the world. In its first commencement, it is seen like a speck in the distant horizon; but mark it as it rises--it spreads and widens, and grows blacker and blacker, until it sweeps with the fury of the rushing tornado, desolating the earth; and the good and the wise stand as if stricken with dumbness, while the bold and the strong quake and tremble like unweaned infants under the trumpet's blast.

In its first struggles it is despised for its weakness, but at length, "*crescit eundo*," until it walks erect in its giant strength and power, and, with the muscular action of a madman, tramples into the dust and earth those who at first felt pity for its delusion, and contempt for its impotence. The only way to contend with it is to meet it and strangle it in its infancy.

What has been the history of the last summer? We have seen the whole country excited and agitated to the highest degree. There has not been a State, nor county, nor town, from one end of this Union to the other, that has not been tremblingly alive to the "general welfare." Societies upon societies have been formed, thousands upon thousands have been raised, for the avowed object of producing a change, a deep and vital change, in the domestic institutions of the southern States. There is scarcely a common newspaper, a magazine, or review, that comes from the North, but what brings something of prejudice and denunciation against us. There is not a school book, not a common geography, which does not contain something, by innuendo or insinuation, calculated to train up our children to believe that the inheritance of their fathers is full of evil and iniquity. The prejudices, opinions, and moral power of the whole non-slaveholding States are directly and openly against us on the subject of domestic servitude. And well may the gentleman from Massachusetts [Mr. ADAMS] declare that every member's speech on this subject, from north of Mason and Dixon's line, would be an incendiary pamphlet, and if they pursued a certain course here, they would be swept from their seats.

Sir, under these circumstances, is it astonishing that we should be excited here? But it is not in our own country only that we have to encounter prejudice. England has emancipated her West India islands. France is also moving in the same direction—her press, too, is calling up the prejudices of the nation against this institution. And in England there is no Review, from the polished and talented Edinburgh, down to the

Jeremy Bentham levelling Westminister, that does not open its battery and denunciations upon us. Even, too, that prince of modern demagogues, Mr. O'Connell, in the plenitude of his arrogance and vanity, must think fit to strike the vilest and basest notes, to call up the passions and prejudices of the ignoble and low against institutions the true nature of which his ignorance forbade him to understand, and against a gallant people, whose virtues his natural vulgarity could never appreciate. He talk about equal rights and public truth, when he lives upon a splendid income raised by "grinding the face of the poor," by drawing the last farthing from a starving and devoted people! And here I regret, deeply regret, that a gentleman on this side of the Atlantic, distinguished for his learning and elegant diction, has recently thought proper to echo back these notes, and play a second part to this Irish demagogue, by publishing sentiments and a tissue of visionary declamation, calculated to have no other effect than to excite feelings, sympathies, and prejudices, at war with the harmony of the Union and the forbearing principles of the constitution, which he, as well as every other good citizen, has tacitly sworn to support. I allude to Dr. Channing, and I allude to him with pain and regret. Instead of standing on his palmy eminence, with the benevolence and charity of an enlightened Christian, to pour out "oil upon the troubled waters," we find him inculcating sentiments and spreading doctrines calculated to alienate the affection and sympathies of the people of this Union from different sections.

Mr. Speaker, we cannot mistake all these things. The truth is, the moral power of the world is against us. It is idle to disguise it. We must, sooner or later, meet the great issue that is to be made upon this subject. Deeply connected with this, is the movement to be made in the District of Columbia. If the power be asserted in Congress to interfere here, or any approach be made towards that end, it will give a shock to our institutions and the country, the consequences of which no man can foretell. Sir, as well might you grapple your iron grasp into the very heart and vitals of South Carolina, as to touch this subject here. Georgia has perceived this, and felt its full force. She, under these views, has recently passed a resolution declaring it unconstitutional for Congress to touch this matter here, and met the whole subject as became her and her interests. Under these circumstances, I was astonished to hear the gentleman from Georgia [Mr. HOLSEY] intimate that he was willing, for the present, to give this resolution the go-by. [Here Mr. HOLSEY explained that he was willing to meet the question when it came up at the proper time, in a distinct and independent resolution, &c.] Mr. P. then proceeded, and said that he would not press these circumstances at present.

Virginia has but the other day passed a resolution to the same purport. She, alive to the deep stake she has in the question, has approached near to unanimity on it. The resolution, denying to Congress any constitutional power over the subject in this District, was passed by a vote of one hundred and fifteen to nine, in her House of Delegates. *There*, there is one subject at least upon which all parties can unite. I was deeply gratified to see that noble State speaking as became her ancient character. That proud State, justly proud, from having enrolled on the scroll of fame her hundred patriots, has felt her vital interests and honor concerned, and moved with a unanimity and spirit that became the land of Richard Henry Lee, George Mason, and Patrick Henry. I trust no son of hers here will fall below the position she has chosen to occupy. Before she can waver or falter on this subject, directly or indirectly, you must first break up the foundations of all her institutions; you must make a new race of people in her bosom, who must forget the glory of the past, whose hearts must beat with impulses and emotions of a new and degenerate nature, whose mothers must quicken with a new and unnatural offspring.

Sir, I deprecate all party ties and party feelings in this matter. It is too solemn a subject for this. If there be any man here who has any misgivings or trembling as to the future on this subject, let me say to him, this is no place for him. If there be any representative here, from any part or portion of the slaveholding race, whose heart is so bowed down in subserviency and servility to party discipline and party organization as to be drawn off on this question for the vile purpose of partisan ascendency and political triumph in the miserable conflicts of the day, let me say to him, this is no place for him, unless he is prepared to cover himself with prostitution. If there be any gentleman here, from the same region, whose aspirations are to please the dominant interests of this confederacy by sycophancy and flattery, for the purpose of clothing himself in the livery and trappings of office, this is no place for him, unless he is prepared to abandon the inheritance of his fathers, and cover his children with degradation and ruin.

It is of no avail to close our eyes to passing events around us, in this country and in Europe. Every thing proclaims that, sooner or later, we shall have to meet the strong and the powerful, and contend over the tombs of our fathers for our consecrated hearth-stones and household gods, or abandon our country to become a black colony, and seek for ourselves a refuge in the wilderness of the West. It is in vain to avoid the contest.

Mr. Speaker, as to the constitutional power of this Government to touch the subject in any shape or form, within the States of this Union, I disdain to argue that point. If the dominant interests of this nation should ever become so bold and reckless as to touch the matter, or exercise such a power, directly or indirectly, then, if we hold our seats on this floor, we shall become the slaves of slaves, and deserve our infamous destiny. If ever we should be forced to hold up the noble but mutilated parchment of the constitution as a shield between us and the Goths and the Vandals who may have come in to desecrate and desolate all that is venerable and fair in the institutions of our country, then indeed shall we have lived to see the day when conflagration shall sweep through the land and scath its living monuments—when the scattered fragments of a broken and dismembered empire shall exist here and there, only to mark where the republic once was.

While I can never consent to discuss the constitutional power of this Government as relates to the States, yet it becomes us to examine the powers under the constitution given in this District.

Mr. Speaker, before we proceed on this point, it would be well for us to call to our minds the circumstances and causes that induced the acts of cession granting jurisdiction in this District. When Congress was in session at Philadelphia, a mob created great disturbance, and they found themselves unable, for want of authority, to protect themselves and their officers. Hence it became important that they should have some territory with exclusive jurisdiction over it. The object and sole desire of Congress was to be able to protect itself, its officers, its public buildings, and make such other municipal regulations as might be deemed necessary for the harmony, quiet, and independence of the Government. When we look at these circumstances, and then compare the clause in the constitution conferring legislative power, we can come to but one conclusion as to the great leading objects of the trust. The words are, that Congress "shall exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the

United States, and to exercise like authority over all places purchased by the consent of the Legislature of the States in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings."

"Exclusive legislation" here cannot mean absolute and unlimited legislation. This Government cannot legally exist in any position without all the restraints of the constitution binding upon it. It is created by the constitution, and cannot act in any sphere except under its specific grants; and to contend that it has all the powers here that the States can exercise within their territories, is a solecism in constitutional law; for the States can exercise all the powers not prohibited by the principles and spirit of their own constitutions, or the constitution of the United States, while this Government can exercise no power not specifically granted by the constitution, or absolutely necessary to carry into effect some specific grant. Exclusive legislation means that no other Government shall have concurrent legislation. Congress shall exercise "like authority" over all places purchased for forts, arsenals, &c. The legislation and authority exercised in this District, in like manner, shall be exercised over places purchased for forts, &c. If, then, Congress is unlimited here, then it is unlimited in those other places where public works are; and if slavery can be abolished here, then, in like manner, can it be abolished in all those places in the heart of a State where there may be public works, &c. All the power intended to be given was to enable this Government to protect and preserve its public works and improvements, and "like authority" was intended to be given in this District--authority that might be essential to carry out the legitimate objects of the original trust, and no more. Any exercise of power beyond the obvious meaning and plain intentions of the grant of power at the time it was given, is a violation of its spirit and perversion of its purposes.

Again: The ninth section expressly excludes Congress from prohibiting the importation of slaves until 1808. If the clause giving "exclusive legislation" embraces the power to abolish slavery, then it was created without limitation at the date of the instrument. But if Congress had, before 1808, attempted to prohibit the importation of slaves, here or elsewhere, it would have been directly against the letter of the constitution. There has been no new acquirement of power since the date of that instrument, nor enlargement of the provisions of the clause granting "exclusive legislation." We cannot do that indirectly which we cannot do directly: and if Congress had abolished slavery here prior to 1808, it would have been the most effectual measure to prohibit their importation; and this they were clearly and expressly prohibited from doing. I do not refer to this so much as being perfectly conclusive as to show that it was the whole spirit and intention of the constitution that this Government should have no power to disturb this delicate and exciting subject. We all know the extreme jealousy that existed amongst the States on this matter at the formation of the constitution--so much so, that it was one of the principal difficulties in forming a "more perfect union."

Is it to be supposed that Virginia, sensitive and jealous as she was at that time on the subject of slavery, would have ceded a portion of her territory and citizens, if she had, for one moment, conceived that, under the clause in the constitution conferring legislative powers, they were to be thrown at the mercy of other interests, and other sections, antagonist to herself on this vital point?

The fifth amendment declares that "private property shall not be taken for public use, without just compensation." Much less can it be taken for private use. It cannot be taken except for public use. It becomes, then, important to ascertain whether slaves are private property. And here let it be observed that there is a loose idea abroad, that we hold our rights to that species of property under the compromises of the constitution. We hold them as original rights, before and above the constitution, coming from the States in their separate existence. The compromises of the constitution relate entirely to the relative representation that the States, as political communities, shall have upon this floor; but this is not the source of rights to us in this or any other private property. The constitution recognises them as private property: the second section, apportioning our representation, the clause enabling the owner to recover his fugitive slave, and the clause sanctioning their importation until 1808, all show that the constitution recognises them as property, as things other than persons. The judicial tribunals of the non-slaveholding as well as the slaveholding States have all settled this principle. Then they cannot be taken except for public use. What is public use? If they were wanted on our public works, if they were needed in a great emergency, then might they be taken on just compensation. But if there be any one thing clearer than another, it is, that abolition was not the public use contemplated in the constitution. They cannot be taken without just compensation, even for public use. How can money be drawn from the public Treasury, except through appropriation by law? There can be no legal appropriation, except to carry into effect some specific power granted in the constitution, or clearly implied as absolutely necessary to carry into effect some specific grant. There is no specific power to abolish slavery, and it, being itself a high exercise of substantive power, cannot be implied as absolutely necessary to carry into effect any other power. As well might we pass appropriations to pay the people of this District for their cattle and horses, to give them the blessed privilege of running free and unrestrained over the barren hills and waste commons around this Capitol. As to principle and power, it is the same.

But it is said, all the States may emancipate, and this District be left without the means of changing its condition. This is certainly any thing but a constitutional argument; for I answer, that even if this were to be the case, it is the constitution, and will be so until it is changed by the proper authorities. There is really no difficulty on this point, as those who choose can now emanipate by deed or will. In connexion with the constitution, let us for a moment examine the act of cession from Virginia. The proviso declares "that nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States." Let it be understood that this follows immediately after the clause describing the tract of country and particular extent of territory ceded. I admit the terms are somewhat equivocal at first. If the words, "the rights of individuals therein," refer only back to control the property in the soil, then they were of no use; for, under the constitution alone, Congress could not have interfered in the freehold. One of the first principles of the magna charta is, that no freeman shall be deseized of his freehold without a judgment of his peers. If those words were meant only to limit the power of the Government over the freehold of a citizen, then they were useless verbiage. Those who inserted them must have meant something more. When we look at the sensitiveness of Virginia on the interesting and vital subject of the peculiar property of her citizens she was about to cede, we are led to believe that she must have meant, in the words "rights of individuals therein," other rights than those of "soil." Connec

this with the clauses in the constitution, and no man can refrain from admitting that it is, to say the least of it, a doubtful power, which every patriot in a limited Government would refrain from claiming as under the constitution.

But, Mr. Speaker, I take higher ground than this, and contend that, according to the bill of rights of Maryland, and the constitution of Virginia, those States themselves could not have ceded absolute and unrestrained power over private property of any kind in this District. The citizens of this District had peculiar rights secured in their property by the constitutions of their own States; and if Virginia and Maryland had attempted to cede absolute power over this subject, they would have violated the rights of their own citizens, and would have committed, not a legal act, but an act of force. Next to life and liberty, these citizens had, under the paramount laws of the two adjoining States, the rights of property secured in the most solemn and unqualified manner; and as well might Virginia now divorce from herself any portion of her freemen, and transfer them, bound hand and foot, to the jurisdiction of New York, as to have thrown the citizens of this District, in their rights to a peculiar property, upon the uurestrained and tender mercy of this Government.

Again: No State, from the Potomac to the Mississippi, under its constitution as it now stands, has any right to abolish slavery without the consent of the individual owners. I assert this upon that great principle of English liberty which is incorporated into every constitution, that no freeman shall be deprived of his property but by the judgment of his peers or the laws of the land. The constitutions are the paramount laws of the land, which the action of no Government, constituted under them, can legally subvert. States may do unlawful acts, which their citizens may assent to or acquiesce in, but this does not constitute legal authority. Those States that hold slaves as property might, if they desired, assemble in their conventions, representing the sovereign power of the community, for the specific object of abolishing that property, and the people might choose their delegates for that alone. But this would be a reorganization of the body politic, above the constitution. And even in convention they would do it under the unwritten and organic law that governs all simple consolidated communities, and which exists from the necessity of the case, that the majority must govern. This exists only in a consolidated community, when it is thrown into its simple and original elements. And even then the minority acquiesces more from a calculation of expediency than obligation.

Sir, if this view be true of the great principles that regulate even the power of the States on this subject, how futile and shallow is that argument which claims for this Government all the legislative powers here that the States have within their territories. But it is stronger than this. The Government of the United States can acquire no legal power, even by consent of citizens. It has no existence beyond the express grants of the constitution, and no power can be acquired for it by the action or acquiescence of the people, as people or citizens: this must be given by the States that made it, and who alone can alter it.

There is a wide mistake and loose notion on the subject of the power of Government over private property. Gentlemen draw their ideas on this subject from the history of European Governments and the jurisprudence of Great Britain. If there be any one principle that has distinguished our Revolution from all others, it is this: that we have succeeded in limiting and restricting the power of Government over private property, and more effectually securing the rights of citizens thereto. If this was not the great principle of the American Revolution, then it has none. The line that separates the power of Government from private property is the line that defines the limits of liberty, in all countries. I know, sir, that the British Government, under the claims of omnipotence in Parliament, has again and again trampled over the great principles of the magna charta, and it is not there that we are to look for examples to define our notions of power in Government over the property of a free people. Under the plea of state necessity and the high prerogatives of police power, a country may be protected and a people regulated, but the Government may be a despotism. But in this country, with our constitutions and limitations defined, I deny the right to interfere with private property except by "due process of law," through the verdict of a jury of freemen.

It is, however, suggested that, although you cannot pass an act to abolish slavery at present, yet you may pass it to take effect in future, upon the *post nati* principle. Let us examine this. If the rights of citizens be secured unqualifiedly at present under the constitution, how can you directly or indirectly interfere in the future? If I have a perfect right to my stock, I have a right to its proceeds, and the Government that attempts to cut off the right of proceeds is as absolute and despotic as that which would take the property itself. A free Government may regulate and shape "descents," to preserve and protect them for the benefit of its citizens; but no Government is free that, instead of a wholesome and judicious exercise of this power, usurps to cut them off entirely. If Government have no right to destroy the existing property itself, it has no right to destroy its proceeds. The principle and the power are the same in the one case as the other.

Mr. Speaker, allow me to suggest to our northern friends the propriety, if they can, of taking these constitutional grounds. I respectfully suggest whether it would not be better for them to raise the constitutional restrictions as a shield between themselves and popular fanaticism, than to rely upon the grounds of expediency. If they intend to save the institutions of this country, let them raise the constitutional powers against the movements for abolition in this District; let them go home with the constitution in their hands, to show that it precludes any interference. I entreat them to take this ground now, and make the issue with this abolition spirit, when the good and the virtuous have some power and control. Put them down now, by this and strong acts of local legislation, or you will be compelled to come here and cry aloud to save this Union, after it shall be too late, when the beacon-fires of an indignant people shall blaze over a thousand hills, and the swords of a hundred thousand freemen shall gleam on high to avenge our wrongs and vindicate our rights.

Mr. Speaker, it has been said that slavery is a "foul blot upon our national escutcheon," "an evil," that "all men are created equal," &c. Let us examine these propositions for a moment. "All men are created equal." What, sir, was the meaning that the author of the Declaration attached to this proposition? Was it meant that all men are created equally strong and of equal size? Surely not. Was it meant that all men were born free? From the child in the bulrushes up to those of the present day, there never was an infant wrapped in "swaddling clothes" that was born free. Was it meant that all men were born with equal rights, to an equal destiny? From the time it was declared that the iniquities of some should be "visited unto the third and fourth generations"—from the days of Moses and the children of Israel—the history of mankind proclaims that there is "an elect and chosen few," made the peculiar receptacles of the favors and blessings of an all-wise and all-pervading Providence. This is the world as we find it, and it is not for us to war upon destiny.

What, then, was the meaning? It was intended to de-

clare the abstract truth that all men were born equally entitled to political privileges. Let us look into this as practical legislators. Throw man back into a state of savage existence; proclaim his physical and brutal propensities triumphant, and himself lord of the recesses of the wilderness, and then this abstract truth may have some practical bearing. But, let him accumulate property; let his intellectual attributes triumph over his brutal nature; make him civilized, and send him forth, erect in the image of his Maker, with the light of reason and benevolence beaming from his countenance, then his great characteristic is, that he becomes a social being. Organize him into society, to act with his fellow-man, and then proclaim the abstract truth that all men are equal, as a great fundamental doctrine to be practically acted upon, and you do nothing more nor less than raise his hand against every other man, and every other man's hand against him; and, instead of its becoming a doctrine full of light and peace to a world sleeping in darkness and bondage, it becomes a doctrine of universal discord, confusion, and ruin. True, it is an abstract truth; but, like all other mere abstractions, it can have no actual existence. True and practical liberty, in my opinion, exists amongst a people who live under a system of ascertained and well-regulated law, that has grown up from time immemorial out of the experience and absolute necessities of the society that is framed under it; and for one people, living in a totally different region, and under totally different circumstances, to attempt to give a system of political liberty to another people, living under entirely different wants and necessities, is one of the most stupid pieces of folly that belongs to the age, and partakes deeply of that arrogance and presumption which would prompt a blind despotism to proclaim one universal and consolidated system for the government of mankind.

In the nineteenth century, when the great institutions of civilization have their foundations laid deep in the wants and experience of accumulated centuries, let no man, in the madness and folly of his zeal, be so reckless as to proclaim a mere abstract theoretical truth, for the purpose of calling up the most envious and malignant passions of the human heart, which must result in pulling down all that is settled and peaceful, and spreading around anarchy and blood. Let no public man act upon a great people by experimental theories. You may proclaim a truth, and form a system perfect in your own mind, but put it into practical operation, and you may bring misery and wretchedness upon a happy land.

Look to the French nation for the last half century, that great source of lessons so full of practical wisdom. They commenced by declaring that "all men were created equal." And the next great solemn act was to declare there was no God, and that the "Bible was a lie." What was the result? After they succeeded in transferring the property of the nation from those who had accumulated it to those who had none, then they chanted *hallelujahs* to their imaginary system of equality, even while the blood of virtue and innocence flowed in wide-spread sluices from the guillotine, under the hands of Robespierre and Danton. The same sword that was raised on high at Lodi and Marengo, to vindicate the equal rights of republican France, was soon, very soon, grasped by the hand of a tyrant and despot, who waved it, dripping with blood, over an enslaved and unhappy people. Let no man proclaim universal equality as practically to be enforced in any society on earth, unless he is prepared to appeal to universal revolution to sustain it.

Mr. Speaker, we are denounced before the world for holding a race amongst us in domestic servitude. It is not my province, nor is this the place, to expound the precepts of divine law; but I lay down this proposition as universally true, that there is not, nor never was, a society, organized under one political system for a period long enough to constitute an era, where one class would not practically and substantially own another class, in some shape or form. Let not gentlemen from the North start at this truth. We are yet, as a people, in our infancy. Society has not yet been pressed down into its classifications. Let us live through an era, and then we shall discover this great truth. All society settles down into a classification of capitalists and laborers. The former will own the latter, either collectively, through the Government, or individually, in a state of domestic servitude, as exists in the southern States of this confederacy. The only contest in the world is between the two systems. If laborers ever obtain the political power of a country, it is in fact in a state of revolution, which must end in substantially transferring property to themselves, until they shall become capitalists, unless those who have it shall appeal to the sword and a standing army to protect it. This is the history of all civilized people. There is not a Government in Christendom that does not rest upon this power, except our own, and here we have substituted for open force, constitutions, and the concentrated public opinion of communities. But we have not yet lived through experience, and it is yet to be seen whether bribery, corruption, and fraud, shall not take the place, for the present, of the constitution and public opinion, and finally force the old appeal to the sword.

To illustrate this position, take one hundred men, and organize them under one government, and start them with your imaginary notion of all being equal. What is the result? The Creator has made some more active, more economical, more industrious, than others; and in five years, in all human probability, forty out of the hundred will accumulate property, while sixty will not. The political power must be supported by taxes and revenue; and if all have equal power, the sixty will lay taxes upon the forty, and distribute the revenue, not amongst the forty, but amongst themselves. This will in time substantially transfer the property of the forty to the sixty, or the former must appeal to the sword, when twenty out of the sixty will be paid to constitute a standing army, and form the basis of power in the forty. Let it be understood that, in the political action of classes, the restraints of public opinion and public responsibility do not operate through a series of years, but that man, acting in his collective capacity, is essentially impelled by his appetites, his passions, and his interests. It is only in his individual capacity that he becomes an intellectual, moral, and virtuous being.

Let us analyze any Government on earth: take, for instance, the British constitution. The House of Lords represents the landed capitalists of Great Britain; the House of Commons the commercial and manufacturing capitalists; and both together represent the aggregate capitalists of the country. The King is supported as a third power, to check and balance the two other equal powers, and give vigor to the system. They are mutually interested in one thing only, and that is, to ascertain what the labor of the nation will live on; and all over and above that they take and divide among themselves and the interests they represent, by the power of raising revenue, and in its distribution. This they do in the ten thousand shapes and forms which human ingenuity and wickedness can invent: through a standing army and navy, the civil and diplomatic corps, and half a million of pensioned profligates, besides the whole system of taxation, by which all the burdens shall indirectly fall on one class, and the blessings on another.

And this would inevitably be the result in every non-slaveholding State of this Union, in the course of time,

under a separate and individual existence. As certain as destiny, property would there change hands, or those who have it would be compelled to appeal to the sword, or sink into political degradation. In addition to our infancy as a society, and the unparalleled superabundance of freehold, the Government here, through its distributions, has, to a certain extent, satisfied the laborers of the North, and diverted them from their capitalists at home. But nothing but open agrarianism can much longer keep in peace and subjection an excited and hungry multitude, who, under the cry of the "poor against the rich," may be raised, to clamor for vengeance around the vaults of hoarded wealth.

The capitalists north of Mason and Dixon's line have precisely the same interest in the labor of the country that the capitalists of England have in their labor. Hence it is that they want a strong Federal Government, through which they may more effectually control the labor of the nation. But it is precisely the reverse with us. We already have not only a right to the proceeds of our laborers, but we own a class of laborers themselves. Hence it is that we want a strong Government at home and a weak one here, except so far as concerns our foreign relations. And hence it is that no doctrine that makes this Government controlled by the simple action of a majority of mere numbers, can be more desolating and fatal in its effects upon us. This, sir, is at the basis of all difference between the slaveholding and non-slaveholding States of this confederacy. But let me say to gentlemen who represent the great class of capitalists in the North, beware that you do not drive us into a separate system; for if you do, as certain as the decrees of Heaven, you will be compelled to appeal to the sword to maintain yourselves at home. It may not come in your day, but your children's children will be covered with the blood of domestic factions, and a plundering mob contending for power and conquest.

Mr. Speaker, let us look for a moment into this modern crusade, raised all over the world against domestic servitude. The British Government violated the rights of property to emancipate a race in the West Indies, only to throw them upon the world, strolling vagrants and vagabonds. And it is remarkable that the same minister who held in his hand the act of emancipation to the black man abroad, rose in his seat to congratulate the nation that he was enabled to withdraw troops from foreign stations, and to "place them in the manufacturing districts" at home, "to keep down insurrection and disturbance." While a mistaken sympathy, and bigoted and fanatical religion, can prompt men to feel for the imaginary evils of the black or red man of distant regions, there seems to be no heart for the suffering and slavery of the white man at home. The same Government that suffered itself to be forced to an act of emancipation, through the influence of stupid fanaticism, aided by the instigations of the British East India Company, for the purposes of gain and monopoly, actually holds in political vassalage at home, Ireland—the land of genius and eloquence. While seven millions of men around them feel all the pressure of despotism and abject slavery, in want and misery, they have the hardihood and shamelessness to proclaim emancipation abroad. While England holds in bondage one hundred millions of human beings in her East India possessions, where, if any native should dare to raise a voice (even although that voice should be a female princess) against British clemency or the British Government, immediately fifty thousand bayonets would spring up for plunder and murder; yet, sir, while this is notoriously the case, she has the hypocrisy to preach universal emancipation.

Take, sir, a case nearer home. In the city of New York it is that societies upon societies have been formed, and thousands upon thousands raised, to alleviate the evils of the far South, and to regenerate our country. Go into that city—visit "Five Points," and there gaze, if you can, upon the scenes of wretchedness, guilt, wo, and misery. Behold thousands upon thousands, of all hues and complexions, dragging their starving and emaciated forms from their dens and cellars into the light and warmth of day, to support sinking nature. I believe there is more want, more evil, and more suffering, in that single city, than exists from the Potomac to the Mississippi. It would take all the resources of their societies to relieve those who suffer at home. Yet the stupidity, bigotry, and fanaticism of modern days, which are sweeping through the land, seem only to seek out distant objects, where the imagination exaggerates evil, on which to exercise their blind and ignorant benevolence.

Mr. Speaker, as to the particular treatment of those we avow to hold in bondage, and our peculiar rights in them, I scorn to vindicate either the one or the other here. But let me say, sir, that our system of domestic servitude, where all the sympathies and interests that can bind individual capitalists and individual laborers together exist, is the same patriarchal system that existed in the first ages of society. Our classifications is into blacks and whites; and we openly avow before the world that we own the former, through both intellectual and physical force. We have nothing to conceal or disguise. Ours is the ancient system of society that existed amongst the Greeks and the Romans, and, to a certain extent, in the feudal serf system of the Gallic race. And here let me refer, when the world supposes it full of intrinsic weakness and evil, let me but refer to a single instance. I allude to Attica, where there were 536,000 souls, and out of them only 122,000 free citizens. And where does the world look for the highest specimens of art, and taste, and refinement—where for the loftiest and purest strains of poetry and eloquence—where for the noblest and most exalted examples of arms and patriotism, but to Athens? Ours is a frank and bold system, that sustains itself by open and undisguised power. And let me say that here consists the great difference between the ancients and the moderns: the former were more open, frank, and bold; the latter have more ingenuity, duplicity, and cunning. The modern system of ruling classes through the Government, and party ascendency, rests upon duplicity, bribery, and fraud.

Hence it is that there has not been, for the last hundred years, a statute passed in Great Britain, professing to give equal rights and privileges to the great mass of the people, whose preamble is not full of falsehood and hypocrisy. Public men are trained up, from the institutions of modern society, to practise deception, duplicity, flattery, and fraud, that one half of society may rule the other half.

Look, for instance, to the State of New York, as things now exist there. We find an artful, profligate, and daring party, leagued together by moneyed corporations, by the distribution of offices, and the power and terror of perfect organization, for the open purpose of swaying the political destinies of the country. Sir, I solemnly believe that, for baseness of purpose and in degrading means, no party has ever risen in any civilized country to equal it, since the Jacobinic clubs of France held their midnight meetings; when no man dare whisper the secrets of his heart, even to the partner of his bosom, without being arraigned under their terrible inquisition. I appeal to the minority from that State, on this floor, to know if they do not live under a system of political vassalage, in which the dominant party openly spread out upon their banners, "booty—booty!" the "spoils of victory belong to the conquerors!" and under this vile standard call upon their mercenary bands to gather into

the plunder of a sacked camp. Sir, they preach democracy and universal equality to us, and practise political despotism at home. This is the cant, duplicity, and profligacy of modern times.

Mr. Speaker, I owe perhaps an apology to this House for speaking so plain; but, sir, I have been taught from my father's board to disguise no sentiment I entertain. I know I have uttered sentiments little calculated to please those interests that now hold the destinies of the country in their hands. I know that what I have said is ill calculated for popularity in this country, but I speak the truth as I believe it to exist, and ask no favors of any man or set of men living, save my own constituents.

Sir, it may be said that what I have uttered tends to disunion. I did not come here, demagogue like, to talk about the glories and the blessings of this Union. These stand recorded in the history of the country, and need no feeble voice of mine to hold them up to the admiration of the world. But let me here say to gentlemen from the slaveholding race, beware! beware! unless, in your generous and patriotic attachment to this Union, you should find yourselves finally dragged down, and kneeling in idolatrous worship before some idol made by human hands of the present day.

That union which springs from ambition and fanaticism—an unnatural offspring, begotten in sin and iniquity, foul and loathsome from its leprosy, blood-shotten and bloated from revelling in spoils plundered from others—I scorn to love. Raise not up this monster-god, and call upon me to bow down and worship at its unholy and unhallowed shrine. I disdain to do it. Give me that union which springs from truth and virtue—fair and comely in its form--in a bending attitude, with an outstretched arm, to raise the feeble and protect the weak—dispensing equal political favors, and imposing equal burdens on all sections. Give me the Union under the constitution—give me the Union that has borne our stars and our stripes to the remotest quarters of the habitable globe--give me the Union that our fathers gave us, and I will pledge the last drop of blood in my veins to vindicate and defend it--but no other Union.

As soon as Mr. P. had concluded,

Mr. HOAR, of Massachusetts, obtained the floor; and

Mr. CAMBRELENG called for the orders of the day; but the House did not sustain the motion: Ayes 84, noes 90.

Mr. HOAR then addressed the House as follows:

Mr. Speaker, the resolutions on your table present for the consideration of the House a dry constitutional question. Not only has this question been discussed by several gentlemen who have addressed the House, but the subject of slavery, as it exists in the States, its bearing on the union of the States, the relation which the several States and the General Government bear to each other, as far as this subject is concerned, have been freely and warmly debated. I propose to offer some remarks on the constitutional question, and to answer some of the observations respecting the conduct of the Governments of the northern States, which have been made in the course of the discussion of these resolutions.

Before I enter on the consideration of the question whether Congress can constitutionally abolish slavery in the District of Columbia, I wish to express my views on the subject which seems to have caused the principal alarm and apprehension in the minds of gentlemen from the southern portion of the Union. It has been observed, by a number of the members from that part of the country, that the abolition of slavery in this District is an "entering wedge" to the abolition of slavery in the States in which it exists. This seems to be a very favorite expression with many of the gentlemen who have addressed the House against these petitions. Notwithstanding the very high authority in its favor, the figure does not seem to me in the least degree appropriate. By an "entering wedge," gentlemen are understood to mean, in this case, a method of passing the boundary between right and wrong, in a manner almost imperceptible at first, and advancing gradually to the completion of the wrongful purpose. It is difficult to imagine a more clearly defined limitation of power than is afforded by the constitution on this subject. The "hitherto shalt thou come, and no further," is as clearly marked here as in any other part of that instrument. If the wedge shall ever be used, it will be introduced head foremost.

There is no section, clause, nor expression, in the constitution, which would seem to suggest or countenance the idea that it was intended by its framers to give to Congress the power to abolish slavery in the States. If the existence of slavery is recognised, the control of it is left by the framers of the General Government where they found it, with the States, where it exits. Among the numerous political heresies started in different parts of the country, I may have heard the doctrine that the General Government does possess the power to abolish slavery in the States alluded to as one entertained by "some people," and "somewhere;" but, as far as I can recollect, I have never heard any person, from any part of the country, assert or pretend that Congress possesses this power. Whether slavery be right or wrong, in itself, the subject is exclusively for the consideration of the State Governments within the limits of the States where it exists. The southern States cannot, therefore, for a moment, admit the pow- in the General Government to interfere with this subject in the States, without yielding their claim to independence. No northern State can wish them to make this admission; because, by parity of reasoning, their own State powers would be merged in the power of the General Government.

Far different are the provisions of the constitution in regard to this District. To Congress is given the power "to exercise exclusive legislation, in all cases whatsoever, over" this District.

This language is as comprehensive, as plain, as unambiguous, as any which could have been used to confer the power in question. If gentlemen, denying the existence of this power, were called on for proof of the existence of any other power in Congress, they would find it difficult, as far as the mere form of expression is concerned, to name one more indisputably conferred. It then is incumbent on those who deny the existence of this power to show that, notwithstanding the universality of this expression, it was the intention of the framers of the constitution to except from the grant the power in question. This seems to be conceded. It is not pretended, and indeed cannot be pretended rationally, that the language used is not sufficient to convey the power. It is said, however, that though the language used would, by its import, convey all power of legislation, or rather exclusive power of legislation, yet it cannot be supposed that it was intended to confer on Congress unlimited power over the inhabitants and property within the District. It is said that this is not "an unlimited, absolute, despotic power of legislation over this District."—[Mr. LEIGH.] "That private property cannot be taken for public use, and much less for private use, without compensation."—[Mr. PICKENS.] That "the local Legislature of this District can pass no law which the States are, by the constitution, prohibited from passing; that there are great leading principles in the nature of society, and of government, which prescribe limits to our legislation; and that, fortunately, here the constitution speaks too plainly to be misunderstood, de-

claring that private property shall not be taken for public use, without just compensation."--[Mr. WISE.]

Comprehensive and strong as is the language of the constitution above cited, I do not contend, Mr. Speaker, that it was its design to confer unlimited and despotic power on Congress over this District. I have not very critically examined all the exceptions which have been mentioned in the course of this debate, because most of them are irrelevant to the present question. Those which have been urged as having a bearing on the present question will be carefully examined.

If slavery cannot be abolished in this District, without violating the principle which prohibits Government from taking private property for public use, without compensation, slavery here must remain undisturbed. In determining the question, however, whether this great rule of legislation would be violated by granting the prayer of these petitions, it will be well to advert to a rule which seems almost a mere truism, viz: "That the intention of the parties to a contract, or of the Legislature in passing a law, is to govern the construction." The intention, then, of the framers of the constitution is here the object of inquiry. The authors of this instrument knew well the force of the language they employed. They were exceedingly cautious in guarding all points where danger was apprehended. It will not be said that there is any more direct expression, used in any part of the constitution, declaring the sense of the parties to this instrument, and indicating an intended exception to the general grant, than has been above mentioned.

I shall not much insist on the proposition that, though slaves be property, they are also persons, and, as persons, their rights may be abridged or enlarged, as justice and the good of the whole system may seem to require. It might be urged that the Government of any State, consistently with all the rights of individuals, might extend the property of a free parent, in the labor of his child, one year, or five years, beyond the common law age of freedom; or abridge, to the same extent, that property in the parent, and give it to the child.

It is to be observed that these resolutions equally embrace all other modes of abolishing slavery, as well as the immediate and universal emancipation of the slaves. Some of the arguments also are founded on the supposed embarrassment to the southern members of the Government, coming to this District with their families, while resident here for the discharge of public duties. It is very apparent that all these difficulties may be easily avoided.

In order to solve the question, then, "how did the parties to this instrument regard the point now in issue, when the constitution was made?" inquiry should be made, what was the practice of the several Governments with which the parties recently had been, or then were, connected?

That the Government of Great Britain possessed this power, probably will not be doubted. That Government has recently exercised the power in relation to her West India possessions. But I do not rely on this, except to show that the stretch of power which Parliament had exercised towards the colonies induced the framers of the constitution to guard vigilantly against conferring dangerous powers on Congress. A more important inquiry is, what was in fact the understanding and the practice of the parties themselves on this subject at this time? The answer to this inquiry, it is believed, must settle this question.

Several years before the United States constitution was made, (as early as 1780,) one State in the confederacy had wholly abolished slavery within its limits. Several others had passed laws by which the same end has since that time been gradually attained. Each of these States adopted such means as, to its own Legislature, seemed advisable. No special power was granted to any one of the State Legislatures by the people, nor was such power ever asked. The language used in the State constitutions, or charters, neither was, nor could be, more clear or explicit, in conferring the power under which they acted, than that above quoted from the constitution of the United States.

It is said that the constitutions of the present slaveholding States give no power to their respective Legislatures to abolish slavery in those States, and that new power must be given to enable these Legislatures to accomplish that purpose.

Conceding that the gentlemen who have made this remark are better qualified to give a true construction of the constitutions of their respective States than I am, and that these constitutions, in fact, give to the Legislatures of those States no such power, I still contend that the fact (if it be such) has but little effect on the present question. It is perfectly undeniable that the southern members of the United States convention who framed the constitution knew as well, when that instrument was formed, as any one now knows, what the views and what the practice were in the northern States of this confederacy on this subject. They then knew that, in the northern part of the country, it was clearly and fully believed, and indeed was doubted by no one, that language no more plain and explicit than the clause now under consideration did confer the power on the several Legislatures to abolish slavery, without any other consent of the owners of the slaves than that which they gave as members of the community, when they formed their respective constitutions, or when they entered into their respective societies. Having this knowledge of the views and the practice of the northern States, the southern members at that time did not disagree with the northern in opinion on this subject; or, if they in fact entertained a different opinion, they gave no notice of this difference, which, as far as the present question is affected, would be the same thing.

It probably will not be denied by any one, that the result of this inquiry will be the same, whether it is supposed that the same opinion was entertained by the members from the North and the South on the construction then given to the State constitutions at the North, or that there was a difference of opinion on this point at that time, and the difference was concealed, or not expressly notified, by the southern members of this confederacy.

Suppose, for the sake of stating clearly the argument, (what no person would seriously impute to the sages who represented the southern portion of the country in the convention, on account of its disingenuousness,) that, having assembled for conference apart from their northern associates, they should have held this language: "It is understood at the North, that the power to abolish slavery is vested in their State Legislatures, and given them by language no more comprehensive or strong than that by which this constitution gives the power intended to be conferred on Congress over the future seat of Government. At the South, this is understood differently. We believe that people of the respective States must give the power of abolishing slavery in so many words, or by other and more precise language; or we believe that the liberation of the slaves would be a violation of the great rule, that private property cannot be taken for public use without compensation. It is not necessary for us to state our opinion on this subject to them. It is not necessary for us to state to the people of the North, that we think their ideas of justice and propriety on this subject too much resemble the principles and the practice of the British Government, which we unitedly condemn. When they shall attempt to act, in the government of the district to be ceded, on the same principles

on which they now act to their respective State Governments, we may then urge our objections to their principles and their measures."

This is as favorable a statement of the case as the history of the transactions in question will warrant. On this statement, considering the North and the South as two parties to the constitutional compact, the South are bound to adopt the northern exposition by every system of law which men hold sacred, whether moral, honorary, municipal, or international.

It is believed that no part of this statement of facts is questionable. The views of the northern States on the subject of slavery, and the power to control it by the State Legislatures, were as well known at the South then as now—as well known as that there were northern States in existence. If the difference of opinion on this subject then existed, as no limitation to the comprehensive language was introduced into the constitution, certainly the limitation cannot now be introduced by implication. But it is not easy to perceive any good reason for believing that such a difference of opinion did then exist. The idea of this implied limitation of power comes nearly half a century too late.

An objection to the existence of the power in Congress to legislate on this subject has been mentioned by several gentlemen, in the course of this debate in this House, founded on the construction of the constitutions of the States of Virginia and Maryland.

It is thus stated by a gentleman from South Carolina, [Mr. PICKENS.] That gentleman observes: "I take higher ground, and contend that, according to the bill of rights of Maryland, and the constitution of Virginia, these States themselves could not have ceded absolute and unrestrained power over private property of any kind in this District." "If Virginia and Maryland had attempted to cede absolute power over this subject, they would have violated the rights of their own citizens."

A gentleman [Mr. LEIGH] whose high intellectual and moral worth tends strongly to give a currency to his opinions, even on questions of doubt and difficulty, in an argument published in the newspapers, observes: "The argument for the power of Congress I understand to be this: that the grant to Congress of the power of exclusive legislation, in all cases whatsoever, over the District, vests in Congress all powers which the Legislatures of Virginia and Maryland may rightly exercise within their respective jurisdictions." Undoubtedly, sir, Virginia and Maryland neither did cede, nor could cede, absolute power, nor any power over persons of any description, nor private property of any description, in this District. If they could do this, the absurdity stated by the gentleman from South Carolina would follow. A State Government might cut up its territory, and sell that and its citizens to any Government, savage or civilized, on earth. This proposition rests on a principle no less clear and certain than that Government is a trust not transferable—an agency without power of substitution. Precisely so far as either of these States should attempt to convey any power of legislation of any kind to the General Government, so far would that State Government attempt to alienate its trust or agency. So, sir, with great deference, I contend that the power which Virginia and Maryland might have exercised over this District is not the measure of the power which Congress may exercise here. All that Virginia and Maryland could do, and all they professed to do, as to power over the District, was to relinquish each its own power. Most manifest it is, that no State in the Union could transfer any portion of its power to the United States, or to any other Government. Unless it be true that a relessor of property, after a release, made without condition or reservation in the instrument of release, still retains dominion over the property released, no more reference is to be made to the constitutions, or laws, or usages, of Virginia or Maryland, than to the constitutions, laws, and usages, of any other State in the Union. All the power which Congress possesses is derived through the constitution of the United States, from the people of the United States—equally, and no more than equally, with the rest, from the people of Virginia and Maryland. It is a contradiction to say that Congress shall exercise exclusive legislation, and yet that the laws or constitutions of either of these States limit that power of legislation, or are in any way binding on Congress. The above-cited provision of the constitution of the United States, it is contended, is "the only source," if not "the only measure," of the power of Congress.

The act of cession of Virginia contains this proviso: "*Provided*, That nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein." The author of the argument above cited [Mr. LEIGH] contends that the word "therein" refers to both members of the sentence; and that the sense is the same as if it had been written, "any right of property in the soil therein, or to affect the rights of individuals therein."

If this be the true construction, the citizens of Alexandria have still the right to be represented in the Legislature of Virginia, and have still all the rights which they ever enjoyed as citizens of that State. If nothing in the act of cession affects the rights of any individual in the ceded territory, those rights remain wholly unchanged by the act, and Congress for many years has been exercising an unwarranted power in every act of legislation over this District.

The resolutions under consideration deny all power in Congress to interfere with slavery in this District.

It has been said, "if we are deprived of the free use of our property, we are, in effect, deprived of our property."

The South claims to hold its slaves as property, with all the incidents and rights pertaining to other property. Be it so: what is the power of Congress over the trade of the country in all sections of the Union? Not a bale of broadcloth, not a hogshead of sugar, not a cask of wine, no article of necessity nor of luxury, can be introduced into the country, but by observance of the rules prescribed by Congress. An excise is imposed and collected on the sale of such articles of domestic growth, and at such times and places, as Congress chooses to prescribe. Acts of Congress have long since been passed to facilitate the sale and transfer of slaves within this District; and yet it is contended that Congress has not the constitutional power to prohibit the making this ten miles square the factory of slave dealers from the southern and western sections of the Union. Heretofore Congress has legislated on the subject of the transportation of slaves from one State to another, prohibiting with much particularity certain proceedings with them, considered injurious to the community. [Act 1807, ch. 77, (or 67,) sec. 8, 9, 10; act of 1820.]

Mr. Speaker, the northern States are required to interpose, by legislative enactments, to suppress the efforts of the abolitionists, and to deliver up to the officers and Governments of the South, for trial and punishment at the South, northern citizens, who have never left the limits of their respective States, for a violation of a law enacted by a southern Legislature. Charges of a grave character are made against the whole northern section of the Union, collectively, imputing to that portion of the country insincerity in their professions of regard for the peace and welfare of the South, because they have not complied with these requests.

A case is brought into notice by a gentleman from Tennessee, [Mr. PEYTON,] which he considers and urges as a case supporting this heavy accusation against the

North, and as a violation of the law of comity, which every independent State or nation is bound to observe towards a neighboring State. The case stated is this: A grand jury of Alabama prefers an indictment against a citizen of New York, who has never entered the limits of the territory of Alabama, for the commission of an alleged crime in violating a law of the last-mentioned State. The Governor of Alabama demands of the Governor of New York the surrender of the supposed culprit to the Government of Alabama, to be tried by the courts of the last-named State, by the laws of the same State, and for a violation of a law enacted by a State into whose territory the offender never entered until transported there for trial and punishment.

The bare statement of such a claim would seem to be sufficient to place it in its true light, but for the character and standing of those who thus come forward in its support. It is because the Chief Magistrate of one of the States in the Union and an honorable member of this House urge this claim on the North, and especially because a refusal by one northern Governor to comply with this request is made a ground of criminating the whole northern section of the country, that gives it a claim to notice.

What is the great fundamental principle of our Government? Is it not that the people shall govern themselves? In the case above stated, the law is enacted by a Legislature wholly foreign to him who is claimed as its subject. The legislator is in no way nor degree amenable to him, or to those who are said to be subject to the law; nor have the latter, in any way or degree, given to the former any authority or power to control their conduct.

To allow this principle would indeed introduce a strange state of things. The highest judicial tribunals of the State of New York cannot officially understand the laws of another State, until they are proved as facts in the particular case in which they are to be applied; and yet the most uneducated adult person in the State of New York would be exposed to be seized, transported a thousand miles from his home, tried for a breach of one of those laws, which the judges of his own State cannot know, and, it may be, condemned to fine, imprisonment, or death, for doing an act which, if judged by the laws of his own State, is perfectly innocent. Mr. Speaker, if this be not slavery, I will acknowledge the obligation to any one who will inform me what slavery is.

There are many provisions of the constitution manifestly repugnant to the claim set up in this case, but it cannot be necessary further to examine the subject.

It is said that the abolitionists wish to abolish slavery in this District, in order that they may have a proximate and convenient position in which to carry on their future operations against the South. The petitioners are represented as saying, "give us whereon to stand, and we will move the [southern] world." Any person casting his eye on a map of the country, and noticing the length of line by which Virginia and Maryland are now bounded by non-slaveholding States, will probably think they must be miserable engineers to suppose this little spot of ten miles square can afford much aid to the accomplishment of their plans. The abolition of slavery in this District would probably have very little effect on the slaves, or on slavery, in any of the States.

Another ground of complaint, urged by several gentlemen in the course of the debate, is this: It is said that the essays of the abolitionists have for their object the excitement of uneasiness and discontent among the slaves, and that their tendency is to produce insurrection and servile war. They further allege that the writing and printing of the essays, being carried on within the limits of independent States, and being injurious to the slaveholding communities, the latter communities have a right to complain of the proceeding, and to demand the suppression of those publications, as libellous and seditious in their nature, by the punishment of their authors.

This complaint deserves serious attention. It presents for consideration questions of great and acknowledged difficulty. That a person standing on one side of the line between two States, may, in various ways, inflict an injury on a person on the other side of the line, and that the guilty party is justly punishable; that, in many cases which may be imagined, he ought not to be protected, and would not be protected, in any well-ordered State, would seem not to be questionable. Although this case has been stated in the course of the debate, to prove the propriety of the complaint and demand above stated, it does not seem to accomplish the purpose. It remains still necessary to inquire how far the publications above alluded to are wrong in their nature or tendency, and how far, if wrong, it is practicable to correct the wrong. I trust, sir, that the northern Legislatures, and people generally, desire faithfully to observe the federal compact, and as faithfully to perform all the duties of good neighborhood. Gentlemen from the South, I suppose, will admit the impropriety of asking from northern Legislatures the enactment of laws such as, under like circumstances, the southern Legislatures would refuse to sanction. Obligations of the kind in question, if they exist, are reciprocal. It is said that the principles of international law require this interposition on the part of the northern States. There doubtless are precedents, in great abundance, for indictments and punishments of real or supposed seditious, fanatical, and treasonable publications. The eminent scholar and philanthropist, Dr. Channing, the pride and the boast of his countrymen, one of the great lights of the age, who has been so peculiarly noticed by the gentleman from South Carolina, [Mr. PICKENS,] has heretofore written several essays, any one of which would, under the reign of Henry VIII. or of either of his daughters, have carried him to the stake. The pioneer of truth, he who, in advance of his cotemporaries, discovers and fearlessly advocates the cause of truth, will often find that, like a soldier in an enemy's country in advance of his corps, he is concentrating on himself the missiles of the foe. It is not enough, however, to cite precedents in distant ages, or in countries where principles of government, essentially different from our own, are in operation. Authorities, to avail as authorities, must be generally approved in our own age and country. One case, and one case only, has been cited to prove this law and practice. It is the case of the indictment, in England, of Peltier, on the complaint of Bonaparte's minister. The gentleman who cites this case [Mr. HAMMOND] says, "If England, where more battles have been fought for the liberty of speech and the press than in any portion of the world, felt bound to indict a journalist for libelling her greatest enemy—the enemy of the whole human race—is it unreasonable to ask you to extend the same justice to the grossly slandered and deeply injured people of the South?" It would be very easy to adduce almost any number of precedents of indictments and punishments, found and inflicted for libels on Governments, or for seditious writings. That such precedents exist, by no means proves what must be proved, to lay a just foundation for the complaint in question, which is, that, at the present day, the southern States would themselves prescribe to their own citizens such laws as they require to be enacted at the North. In the above-cited case of Peltier it ought to appear that his punishment (if sentence had been awarded and punishment inflicted) was approved by the public voice of the citizens of free States. The gentleman did not state whether, after a deliberate consideration of the argument of Peltier's counsel, he thinks his punishment would have

been approved by the gentleman, who cited the case, himself.

Suppose the language above cited from the gentleman's speech had been used, not in public debate, but had been printed by him in the reign of Bonaparte, and application had been made by Bonaparte's minister to the Government of the United States, or of South Carolina, to institute a prosecution against him for the words, as libellous: who can believe that the application would have been successful? Yet what could have been said of that tyrant worse than that "he was the enemy of the whole human race?" I do not mean to say or to intimate that this language is unjust. Far from it. Language of like import was used concerning him by persons, and in instances innumerable, in every State of the Union, and probably in every month from his accession to the throne to the day of his departure for St. Helena. A similar statement might be made concerning each of the successive Governments of France, for many years subsequent to 1789. What remarks have we heard in this debate concerning the treatment of Ireland by the English Government? Charges of tyranny, of oppression, of unrelenting cruelty, have been uttered, repeated, and reiterated, in the public prints of our country, with all the force and in all the forms which the English language can supply. While this language has here been used, numerous insurrections and rebellions have broken out and been suppressed, with more or less bloodshed, in Ireland. Yet who has heard of an indictment in this country for a libel of the British Government? Would southern juries consent to indict and convict their fellow-citizens for this liberty of speech or of the press, as an offence at common law, or by the law of nations? Would southern legislators prohibit the utterance, with perfect freedom, of any opinion concerning any Government on earth? The members of the holy alliance have not always been spoken of as perfectly "holy" by Americans. Probably no one here has been very apprehensive of punishment on this account.

The present Chief Magistrate of South Carolina, a gentleman who has often instructed and delighted not only his auditors in this hall, but the people of this nation, has recently, in an official communication to the Legislature of his State, given utterance to sentiments which, carried to their legitimate, practical consequences, would produce great and radical changes in the Government of every northern State, and, if received as true, would produce as much discontent among the inhabitants of the North as any thing which has been uttered by any northern abolitionist could produce at the South. Now, should a northern man ask for an indictment against any citizen of South Carolina for uttering similar sentiments, either orally or in print, he would be thought insane. Yet the difference between the two cases is this: In one case, those on whom the unfavorable influence is to be exerted cannot generally read any thing which is written, whether good or bad. In the other case, those who are to be affected can read, and do habitually read, whatever is written on public affairs. In the one case, liberty and its institutions are brought in question; in the other, slavery and its concomitants are the subjects of discussion.

An instance of legislation on the subject of seditious writings has occurred in the Government of the United States. What was the opinion of that law generally at the South need not be stated. It certainly was not such as to render it probable that any statute regulation of the press, as far as expression of opinions on subjects of public interest should be concerned, would soon be attempted.

Could any Legislature of the State of Virginia, for instance, be induced to prohibit, by statute, the most full and free expression of opinion on any subject, either of politics, morals, or religion? Could the Legislature of that State, by any act of legislation, succeed in preventing the citizens of that State from a full and free expression of opinion; or deter them from a fearless discussion of any subject pertaining to the public welfare; or hinder their advocating any plan for the advancement of the greatest good of the greatest number, however wild or heretical? It may be presumptuous in an inhabitant of another State to express an opinion on the subject; but it is believed they could as easily, by legislation, exclude the tide waters from their own Chesapeake.

I have thus far, Mr. Speaker, proceeded on the supposition that the abolitionists are wholly in error in their theory; and I do not intend at present to discuss the question, whether slavery is a blessing or a curse, nor whether the abolitionists be fanatical or rational. Suppose, then, that there is an opaque body at the North, "radiating darkness" on the regions of the South, and producing unreasonable discontent in a portion of the inhabitants: what ought to be done? A band of furies in Paris, in the reign of Robespierre, were hurrying a victim to their common gallows, (the lantern post,) and were about to execute on him what (in some sections of our country) is called Lynch law, on account of some real or supposed heretical opinion on the subject of government, when the object of their rage saved his life by proposing the pertinent question to those who held him in custody, whether they expected to see any better, after they should have suspended him at the lantern post, than before?

What, Mr. Speaker, is the antagonist principle, or the appropriate corrective, of speculative error? Is it physical force? Will you enact a bill of pains and penalties for absurd reasoning, or hypocritical cant? Will you punish, as criminal, false inferences in regard to facts, in newspapers or pamphlets? The practice would be new in this country. A late King of France tried an experiment there, within a few years, on the freedom of the press; the result need not be stated. It is universally admitted that, in this country, there are newspapers in great numbers so conducted that their statements scarcely afford the slightest presumption in favor of their truth; yet, for the sake of the incalculable benefit to be derived on the whole from a free press, the immense evil is tolerated, and probably will be tolerated. The slander of individuals depends on different principles, and will be punished by grand juries and traverse juries. Seldom, however, I believe, will an attempt be successfully made to punish, by indictment, any one for any writing professing to have in view the advancement of the public good, on account of its seditious nature or tendency. I do not mean to assert that a case never has occurred in which this has been judiciously done, nor that it can never be done hereafter; but it does seem that a careful examination of the cases in which this has been attempted will not lead to a conclusion very favorable to them.

What, then, is to be done? It is asked, when was fanaticism put down by reasoning? I answer, that it has, probably, been put down by reasoning as often as by force. If honest but mistaken men are to be opposed, let the sword lie still in the scabbard, and take up the pen. Southern gentlemen will not distrust their own power to meet argument with argument, when truth is on their side. I am quite sure that some of the southern gentlemen will admit the inexpediency and injustice of sending a man to become cool within the walls of a prison, merely because he has been a little too much heated in debate. If mere fanaticism is in question, the most effectual antidote is neglect. If, in two centuries, there has been but one insurrection among the slaves of the South, it is difficult to believe that gen-

tlemen have not over-estimated the danger to be apprehended from that source, in consequence of any essays to be sent from the North. The southern States can make such provision, as to them shall seem expedient, for the punishment of any person, from whatever quarter of the world he may come, who shall be found attempting to instigate their slaves to insurrection and rebellion. If any such person shall suffer, having been fairly tried for his offence, he will probably suffer with little more sympathy than others excite who suffer for their crimes.

I have no more of an inclination than I have of a right to dogmatize on this threadbare subject. Perhaps my views are wholly wrong. It may appear, within some few months, that northern legislators will find no difficulty in accomplishing what is required of them; or, if they should meet difficulties, some southern statesmen may suggest a method of obtaining their object, which, upon examination, will be approved by the public voice. If so, all freemen will rejoice that, at length, that great desideratum in legislation is supplied--a method of effectually suppressing the licentiousness of the press, without infringing its liberty.

It it readily granted that it is scarcely possible for man to inflict a greater evil on his fellow-man than is inflicted by the malicious or thoughtless dissemination of falsehood. But can human tribunals so distinguish between the different classes of writers, as to send one class to the penitentiary, and give due rewards to the other? That this can in no instance be done, is not affirmed. The experience of the world thus far, however, would seem to apply to this case generally the mandate--"let both grow together until the harvest."

Before Mr. HOAR had concluded his speech, as given entire above,

Mr. GRENNELL moved an adjournment, but gave way for the Speaker to present the following message from the President of the United States:

WASHINGTON, *January* 20, 1836.

SIR: I herewith transmit to the House of Representatives a report from the director of the mint, exhibiting the operations of that institution during the year 1835.

The report contains also some very useful suggestions as to certain changes in the laws connected with our coinage, and with that establishment, which are recommended to your early attention.

Besides some remarks in it on the progress made in the erection of the branch mints, and procuring machinery therefor, I enclose a report from the Secretary of the Treasury, submitting more detailed statements as to the new buildings, from each of the agents appointed to superintend the erection.

ANDREW JACKSON.

Hon. JAS. K. POLK,
Speaker of the House of Representatives.

On motion of Mr. CAMBRELENG, the message was referred to the Committee of Ways and Means, and ordered to be printed; and then

The House adjourned.

FRIDAY, JANUARY 22.

FORTIFICATION BILL OF LAST SESSION.

Mr. CAMBRELENG rose and claimed the indulgence of the House for a few moments, while he noticed an attack made in one of the morning journals [supposed to be the United States Telegraph] upon himself. He would not notice it, but for the reason that it was an attack, not only upon himself, but also upon the House, in relation to a question now before the Senate. The paper to which he referred stated that his (Mr. C's) published remarks upon the three million appropriation bill were not made till after the adjournment of Congress, or, in other words, that they were never made at all. At this time, when he had higher game in view, he would not condescend to notice this statement at all, but for the consideration to which he had alluded. And he now noticed it only for the purpose of pronouncing it false, and to state that, when an opportunity offered for going into a discussion of the loss of the appropriation bill in question, there would not only be one, but many, of both parties in this House, who would feel it their duty to vindicate the proceedings of this body in relation to that affair from any reflections which had been, or might be, cast upon them.

Mr. J. Q. ADAMS rose and said: Mr. Speaker, in connexion with this subject, I desire the consent of the House to offer a resolution; I ask that it may be read.

The resolution, which is in the following terms, was then read,

Resolved, That so much of the message of the President of the United States to Congress at the commencement of the present session as relates to the failure, at the last session of Congress, of the bill containing the ordinary appropriations for fortifications, be referred to a select committee, with instructions to inquire into, and report to this House, the causes and circumstances of the failure of the bill.

Objection having been made,

Mr. MILLER, of Pennsylvania, moved a suspension of the rule.

Mr. VANDERPOEL called for the yeas and nays on that motion; which were ordered by the House.

And the question on the motion to suspend was then taken, and decided in the affirmative: Yeas 129, nays 60.

So the House determined to suspend the rule.

Mr. WILLIAMS, of North Carolina, then offered the following amendment to the resolution:

"And that the said committee be authorized to send for persons and papers."

Mr. ADAMS then proceeded. That part of the President's message which relates to this subject is in these words:

"Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications, which passed one branch of the national Legislature at the last session, but was lost in the other. This failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defence, projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation inserted in accordance with the views of the Executive in aid of this important object, and other branches of the national defence, some portions of which might have been most usefully applied during the past session."

I think this is all that is said in the message upon the subject. I have offered the resolution for the appointment of a committee, with instructions to inquire into and report the facts relating to the loss of this bill, principally in consequence of what has occurred in another place on this same subject, in which not only the facts stated by the President in this part of his message have been denied to be true--

The SPEAKER (interrupting Mr. A.) said that allusions to the proceedings of the Senate were not in order. It was indispensable that this rule should be observed, in order to preserve harmony between the two branches of the Legislature.

Mr. ADAMS continued. Mr. Speaker, I am perfectly disposed to observe the rules established for the intercourse between the two Houses of the Legislature, and I will go no further in relation to any thing which has taken place in the Senate than those rules authorize.

Sir, the House has heard me say that I offered this resolution in consequence of what has occured in another place. I do not say that place was the Senate of the United States; that is a matter which any gentleman in this House is competent to determine for himself. I say this, because, although I am fully aware that any allusion to what is going on in the other branch of the Legislature is not in accordance with the formal rule of the House, yet it is perfectly well known that not a debate of any importance occurs in this House, but that a practical reference and allusion is made to it in the Senate; and because, however, this formal rule may be carried into force and effect upon ordinary occasions, if it is not to be subject to any exceptions whatever, it must take from me the possibility of stating the real grounds upon which I ask for the appointment of this committee. I say, therefore, that I do not refer nominally to what has taken place in the Senate, but I do refer to what has taken place elsewhere. And I shall proceed, sir, and continue to make reference to what has occurred in that place, so long as it shall please the Speaker and the House to allow me to proceed.

The SPEAKER said he merely gave the intimation, that no reference to the proceedings of the Senate was allowed. He had the authority before him.

Mr. REED, of Massachusetts. Will the Speaker read his authority?

Loud cries of "order! go on! go on!"

Mr. ADAMS continued. Sir, in another place—

Mr. MERCER, of Virginia, called to order. The member from Massachusetts said he did not nominally refer to the Senate. If, however, he did so intentionally, he was equally out of order.

The SPEAKER said he could not anticipate what the member from Massachusetts intended to say. The moment he made a remark in violation of the rule, the Chair would enforce the observance of it. The Speaker here read the rule of the House applicable to the subject, and again apprized Mr. A. that all allusions to the Senate were out of order.

Mr. MERCER desired to confine the attention of the Chair and the House to the language already used by the member from Massachusetts. Now was the time to decide whether the latter gentleman might be permitted to proceed; that is to say, whether he did not intentionally allude to the Senate, although not so nominally, by using the word "place" instead of "Senate."

The SPEAKER said, before a decision could be had, the exceptionable words must be committed to writing.

Mr. MERCER deferred his point of order for the present.

Mr. ADAMS continued. I will endeavor, so far as my humble ability will permit me, to avoid any collision, not only with the letter, but with the spirit of the rule to which the gentleman from Virginia has appealed; and I will transfer the location of the "place" where these things to which I shall be under the necessity of referring have happened, from the Senate of the United States (if the gentlemen thinks proper to fix upon the Senate as the place to which I allude) to the office of the "National Intelligencer." If the gentleman from Virginia has any objection to that—

Mr. MERCER. I object to any quibbling calculated to produce a collision between this House and the Senate.

Cries of "order! order!" after which,

Mr. ADAMS continued. In the "National Intelligencer," the newspaper of the official printer of the Senate of the United States, (I hope I am not out of order in that,) there is published a report of proceedings which have taken place in a certain quarter; and in that paper I find it charged, not only that the statement in the message of the President of the United States, which I had the honor to read, was untrue, but that the failure of the appropriation bill was not caused in the Senate; that it did not fail there, but that it failed in another House. Where was that, sir? Was it this House? No, sir; that House exists no longer; but it was in this hall; and this House, which is now here, consists in a very great measure, of the identical individuals who composed that House. One hundred and forty members of that House are also members of this; and in the "National Intelligencer" I find it charged, not only that the failure of this bill was owing to the fault of that House, but "that it died there, and that there its bones are to be sought." I find it also charged that, in the process of losing that bill, and in the introduction of that portion of it which caused its failure, the most violent attacks were committed upon the constitution of the United States by the President and by that House, in conspiracy together. Sir, it is admitted, upon all hands, I believe, and upon all sides, that the failure of that bill was occasioned, materially, by the introduction of a section in which three millions of dollars were appropriated, under the circumstances in which the country then found itself, for the defence of the country; and the President tells us that the failure of that appropriation bill, and of that particular item of appropriation, is now a subject of great inconvenience to the people of this country. Upon this subject, sir, an issue has been taken in the "National Intelligencer." That issue involves not merely the President of the United States, but it involves this House.

Sir, there is an additional reason why I wish for a committee to inquire into this matter. That reason, in itself, I hope, will be sufficient inducement for every member of this House, who feels his own honor implicated in the charges against it, to call for this investigation, to have the subject exposed before the nation, and to show where the failure is to be truly charged. I have repeatedly said, in this House, that I consider the first duty of every branch of the Government is to harmonize with every other branch in the transaction of the business of the people; that the first duty of every member of the House of Representatives is to support the President of the United States, to support the Executive Government of the country in every measure belonging properly to its high office, in every measure in which the judgment of the individual acting can support the proceedings of the Executive. I have repeatedly said that, in like manner, it was equally his duty to support the measures which pass in the other branch of the Legislature, and that this duty is reciprocally obligatory upon the Senate and the House of Representatives. This I have always considered as the first duty of every person concerned in the administration of the Government, whether in the legislative or executive branches. There is another subsequent duty, by which each of these three branches is made a guardian and sentinel over the acts of the other, and in which it may be their duty (and a painful one it must be at all times) to oppose any measure, be it of the Executive or the other branches of the Legislature, which they may think inconsistent with the constitution, or with the interests of the people. Harmony between the two branches of the Legislature is of extreme importance; harmony between the legislative branches and the Executive is scarcely less important. Now, sir, in the transactions of that day, or rather of that night, circumstances occurred between the two branches of the Legislature, which I deem proper objects of inquiry for a committee of this House. I allude simply at this time to two of them which relate to this very bill. This appropriation of three millions of dollars for the defence of the country was inserted in the general appropriation bill, by an amendment proposed by the gentleman from New York, [Mr. CAMBRELENG,]

proposed in consequence of a resolution which had passed unanimously in this House the night before, and in which the House declared, by that unanimous vote, "that the execution of the treaty of the 4th of July, 1831, with France, should be insisted on." It was well known to every member of this House, and I believe, also, it was known to every person in the city out of this House, that the appropriation of three millions of dollars was introduced into the appropriation bill in consequence of the vote which had passed the night before. It is well known (and I see the faces of a hundred persons who know it as well as I do; for they were present at the debates which took place, and which occupied a week, or nearly ten days, before that vote was taken) that that resolution, which finally passed by a unanimous vote, was contested in the most ardent manner, on the ground that it would give occasion for a war. If you look to that resolution as it passed, and to the resolutions which were offered as substitutes, you will perceive that the resolution was debated with the most extreme animation, and that it was opposed and resisted on the ground that it would bring the nation into a war. Well, sir, under these circumstances, although the House did not give just occasion for war by the adoption of that resolution, how was it possible for statesmen, looking to the interests of their country, not to perceive, from the opposition and resistance which had been made previous to the unanimous vote on the resolution, that those arguments, being conjectural, and looking into future events, might possibly be correct; and that it was proper and right that this country should be put upon its defences, and into an attitude to meet and sustain the resolution which they had unanimously passed? This is the ground upon which that item of appropriation was introduced into the general appropriation bill upon the last day of the session. And why upon the last day? Because it was only on the night before, nearly at midnight, that the vote had passed; not a single day was to be lost. In all this debate in the "National Intelligencer" there is no more trace of such a resolution passing this House, than if it had never existed; no more trace than could be found on the journal of the Senate of what they would have done to defend the country, or to insist upon the execution of the treaty. Now, in this debate in the National Intelligencer, I find a prodigious display of eloquence, to show that it was unconstitutional to introduce this section, appropriating the three millions, because it had not been recommended by the President.

Mr. MERCER called to order.

Loud cries of "go on!" "go on!"

Mr. HARDIN, of Kentucky, hoped the gentleman would withdraw his point of order, and permit the member from Massachusetts to be heard to the last.

Mr. MERCER gave in writing the exceptionable words, namely, that it had been contended that the "section appropriating the three millions was unconstitutional," &c., thus referring to a late debate in the Senate of the United States. He made this call to order with great regret. In the present position of this country, it was of great importance to preserve comity and harmony in the intercourse between the two Houses. In the present crisis of our affairs, this was, more than ever, of indispensable importance.

The SPEAKER said that the words objected to would be read; the member using them might deny them, and then the House would decide whether they were the words or not. Did the member from Massachusetts deny them?

Mr. ADAMS. The gentleman from Virginia expressed a great aversion to quibbling on this subject, and in order to avoid—

Cries of "order!"

Mr. PARKER said that the avenues of the House were so crowded, and the noise so great, that he could not hear what was going forward.

The SPEAKER insisted on members retaining their seats.

Mr. ADAMS. Do I understand that the Speaker calls upon me to say whether those are my words or not?

The SPEAKER. Such is the course prescribed by the rules.

Mr. ADAMS. I say then that, in order to keep perfectly within the rules, I did some time ago do away with any possibility of the application of my remarks to the Senate of the United States, by transferring them to the "National Intelligencer." I did not say, if I recollect right, although in the warmth of debate I cannot remember every single expression I have used, that this publication in the "National Intelligencer" was a debate in the Senate. I said there was a report of a debate in that paper, and that I referred to whatever charge there was in that. I therefore wish that the correction may be made, that the words "Senate of the United States" may be stricken out, so that there may not be on the minutes any formal allusion to the Senate.

Mr. MERCER recapitulated the substance of Mr. ADAMS's words, as they were understood by himself.

Mr. ADAMS said the gentleman from Virginia had arrived at his meaning, but not at his words.

The SPEAKER called to order.

Mr. ADAMS said he wished to say a word. He did, on recollection, remember that he had introduced the word "Senate" in his observations, but it was not in relation to any thing now passing in the Senate. He alluded to what occurred at the last session of Congress; and such allusion as this, he considered, came within the compass of the rule. He had as much right to refer to what occurred at the last session, as he had to any circumstance in history. If not, he must retract his words, and say these things occurred elsewhere. He had no recollection of using the word "Senate," or of referring to it, except as to what occurred at the last session; and what occurred then was now on the journal of the Senate.

Mr. MERCER said that if the member from Massachusetts intended to refer exclusively to the proceedings in the Senate of the last session, he (Mr. M.) would withdraw his point of order.

Mr. ADAMS said he was extremely unfortunate in not being able to make himself understood. He did not say that he referred exclusively to the last session of Congress; he said he did not name the Senate, after the objection made by the member from Virginia, as to what was doing at this time. As to what had been done now, he referred to what appeared in the "Intelligencer," let it be where it might, in the Senate or any where else. But he did allude to what took place in the Senate the last session of Congress; and if he might not do this, he had as well sit down quietly and take the vote upon his resolution; for it appeared, from what was done at the last session, that the constitutional question was connected with the subject of his resolution.

Mr. MERCER renewed his point of order.

Mr. WISE hoped the gentleman from Massachusetts would be permitted to proceed, in order or out of order. If ever there was a time when the whole truth ought to be told, touch whom it might, the Senate, the House of Representatives, the President of the United States, the chairman of the Committee of Ways and Means, or any other person, now was that time. Let the House have a fair chance now to hear the truth, and he begged that every gentleman would be permitted to tell all he knew, and of whom he knew it.

The SPEAKER said the objectionable words would be read; which having been done,

The SPEAKER said the gentleman from Massachusetts had declared that these were not his precise words, and the question for the House to determine was, whether they were the words or not; and then the Chair would decide on the point of order.

Mr. MERCER inquired if the member from Massachusetts desired to alter the words, as written down.

Mr. ADAMS. Yes; strike out every word in which I am represented as alluding to a present debate in the Senate. I allude to the "National Intelligencer."

Mr. REED, of Massachusetts. To whose speech does the gentleman allude?

Loud cries of "order! order!"

Mr. HARDIN rose to say something, but the House called loudly for order, and

The SPEAKER decided that that gentleman was out of order.

Mr. HARDIN. Oh! very well, Mr. Speaker, but I will be heard some time yet.

"Order!" "order!"

And the question was then put, "Are the words reduced to writing, the words spoken by the member from Massachusetts?"

Whereupon, the House decided that they were not the words spoken; and so there was no question of order before the House.

Mr. ADAMS then proceeded. Mr. Speaker, I do assure this House that my object, in the resolution I have now offered, is precisely the same with that which the gentleman from Virginia has, with sincerity I doubt not, offered as his motive for endeavoring to arrest me in my address to the House. It is my wish to restore harmony between all the departments of this Government, not only between this House and the Senate, but also between both Houses of Congress, if possible, and the executive department. For, let me now say, that if ever there was a time when harmony, perfect and complete, between the different departments of this Government was necessary, that time is the present. The people of this country call for it; the interests of the nation demand it; and this is my motive for submitting the resolution before you. Sir, I trust that if this House will indulge me with the appointment of the committee I demand, that committee will have it in their power to report that all the charges which have been made against the House of Representatives of the last session of Congress are utterly groundless and unfounded. Believing that such will be the result, in the appointment of this committee, I hope that it will contribute to restore the harmony, which can no longer exist under present circumstances, between the two branches of the Legislature of this country. The restoration of that harmony depends upon the vindication of the honor of the House of Representatives at the last session of Congress; for, if that vindication cannot be made complete, I see no prospect of any harmony between this House and the other at the present session of Congress, and more especially upon that most important of all subjects before us, our relations with a foreign Power--the question of peace or war.

Sir, the foundation of my resolution is entirely defensive; its object is to vindicate the late House of Representatives from reproaches, such as I believe to be utterly undeserved. It is difficult for me to reconnect together the train of thoughts which I was presenting to the House at the time I was interrupted; but I will come to one or two points, which, I believe, require to be elucidated, in order to restore harmony between the two Houses. Whilst giving the history of the introduction of that section for the appropriation of the three millions, I assigned the cause for it, and, in assigning the cause, I said that, in the multitude of reproaches as to the unconstitutionality of the proceedings, both of the Executive and the House of Representatives, at the last session, one of the great charges was, that the House inserted this appropriation without a recommendation from the Executive. This, sir, was the great basis upon which was founded that burst of patriotic indignation and eloquence, which would rather have seen an enemy "battering down the walls of this Capitol" than have agreed to this appropriation for the defence of the country. Sir, only one step more was necessary, and an easy step it was, for men who would refuse an appropriation, even in the terms and under the specifications in which that was proposed, if the enemy were at the gates of the Capitol—I say, there was only one step more, and that a natural and easy one—to join the enemy in battering down these walls.

[At this stage of Mr. A's remarks, there was a loud burst of applause from every part of the House. The Speaker called upon the House to aid him in the preservation of order, and remarked that such an innovation of the rules and dignity of the House had not been known for the last ten years.]

Mr. A. continued. Sir, I pass from that subject to the incidents which occurred in the passage of that bill. I have stated that this section was introduced, from absolute necessity, upon the very last day of the session, because it was the consummation of the unanimous vote of the preceding day; which, in the opinion of many reflecting men, and even of those who voted for the resolution, might probably lead to hostile measures, and might compel the country to appropriate all its resources to the purposes of its own defence. This was the foundation upon which the appropriation was introduced into the bill. And are we now to be told that this and the other House must not appropriate money for the defence of the country unless upon the recommendation of the Executive? Why, sir, the Executive has told you, in his message, that this appropriation was perfectly in accordance with his views, and that declaration is made the ground of the charge of unconstitutional conspiracy and man-worship upon the part of this House, for consenting to that appropriation. Where was the possibility of a recommendation from the Executive of all the estimates to be made from the Department, of all the messages and communications from this to the other House of Congress, to demand these three millions? The resolution of the House passed the day before; that resolution was passed in consequence of a communication from the Executive, and was the act of this House, upon the recommendation, and in furtherance of his views, as expressed in his communication to Congress. What, sir, is the meaning of all these charges of man-worship? Am I a man-worshipper of the President? I appeal to the conscience of every man in this House. I voted for that appropriation in the bill; and if there is one act in which I glory more than another in my life, it is the vote I gave on that occasion. Am I chargeable with man-worship for so voting? Sir, in the repeated occasions which I had to address the House on this subject whilst before it, I certainly did take the liberty of differing with the Executive in relation to certain measures proposed by him. This House differed from the Executive; this House did not adopt the measures recommended by the Executive. But this House, and, thank God, the people of this country, have done homage to the spirit of the Executive which suggested the measures they did not approve. Now, I repeat again, why is it that this House must be charged with man-worship and unconstitutional conspiracy with the Executive of the United States, because they passed an appropriation for three millions of dollars for the defence of the country, at the time when there was believed by many to be imminent danger of war, without a message from the President, and esti-

mates from the Departments?—when it was well known that the resolution passed upon the last day previous to the day on which the session was to close, and when this very appropriation was proposed, instead of another resolution, founded upon the recommendation of the Executive? If you will look to the journal, you will find that the present chairman of the Committee of Ways and Means, at that time the chairman of the Committee on Foreign Relations, at that time gave notice to the House and to the world, that, instead of the resolution founded upon the recommendation of the Executive, he should propose this very appropriation of three millions of dollars.

We are told in the newspaper that no one knew any thing of the matter; that it was not known till afterwards. No, sir, nothing that passed in the House, more especially going to defend the honor of this country, was known to a certain party of another House; nothing of that kind had been done there. In that place there had been abundant evidence shown upon their journals that they would not do any thing which had the recommendation of the Executive. If you look to the journal of that year to find a syllable of what they thought should be done for the interest of the country, you will look in vain, or you have better eyesight than I have.

Here is a fact as regards the relations of the country with France at that time; there were two systems of policy, or, rather, three. There were the measures recommended by the Executive. (I may refer to these matters now, because they are matters of history.) In another place, there were resolutions passed, very explicitly declaring that they would not do what the Executive recommended; but there was no resolution saying what they would do; there was no resolution having any allusion to a question with a foreign Power. This is not to be found upon their journal. In this House a different course was pursued. This House did not, under the influence of man-worship, adopt the specific recommendation of the Executive, but it adopted that unanimous resolution to show that, although the specific recommendations of the Executive did not meet their views, yet that the rights of the country and the execution of the treaty were to be insisted on. Well, sir, in another branch of this building it seems it was not even known what was doing in this House, and we are told now that they knew nothing about this resolution of the House which had passed unanimously, there being 217 approving ayes recorded on your journal.

That resolution, sir, was the cause of the appropriation; and I believe that in the impartial estimate of the people of this country, and of posterity, it will be found a sufficient cause for the appropriation of the money for the eventual defence of the country, notwithstanding that there were no estimates from the Departments, and no formal declaration of the Executive, betwixt the 2d of March at 12 o'clock at night, and the 3d of March at 8 o'clock in the evening, when that resolution was proposed. The simple statement of the fact that the appropriation arose from the vote of the House, knocks to the ground the whole scaffolding against it, that it was not recommended by the Executive. I ask, where is the objection now? All the eloquence and indignation and horror of the violation of the constitution, of the conspiracy with the President of the United States, and of man-worship on the part of this House, are all gone; not a shadow is left. But, sir, it is not an unnatural thing, in looking for motives for public actions, to imagine that this diversity of policy on the part of the House was by no means welcome in the other part of this building, for the reason that the course taken by this House in the face of the nation was, without question, a declaration that, in another place, there had not been sufficient attention paid to the rights, honor, and interest of the country. The force and power of this resolution was felt. What was the consequence? We did vote the appropriation; and if that vote could have had any effect abroad on the foreign country upon whose action all was depending, to sustain the honor and rights of this nation, the failure of the bill was equally calculated to destroy any effect which that vote might produce.

Well, sir, the three million appropriation was received in the Senate in a most unfortunate temper. I now speak of that, sir, and beg to refer to the proceedings. In the first place, a motion was made for the three millions in this House at seven or eight o'clock in the evening: the yeas and nays were taken upon it—there was little objection made to it here. It was understood by the whole House, upon both sides, that the proposition was in consequence of the resolution the night before; and that that was the foundation of the appropriation. There was not a syllable of objection made here, on the ground that no recommendation from the President or estimates from the Department had been received. No man rose to object to it on this ground. All knew what was the real cause of the proposition; that it was the vote of the previous night; for notice had been given by the chairman of the Committee on Foreign Relations, in withdrawing his resolution, that measures ought to be taken to put the country into a state of defence. This was the resolution for which was substituted the appropriation of the three millions, explicitly confined to a contingent necessity, intended to provide against the possibility of an enemy battering down the walls of this Capitol. I said, sir, that the proposition was received in another place in a bad temper. Now for the authority: the resolution appears on the journal of this House, as follows:

"*And be it further enacted*, That the sum of three millions of dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the navy; provided such expenditure should be rendered necessary for the defence of the country prior to the next meeting of Congress."

This was the object. Was this House squandering the public money when they made this appropriation? No, sir. But will it be said that this appropriation might have been abused? Well, sir, when the country is invaded, when the country has an enemy at her walls, it is a sorry objection to make to an appropriation for defence, that it might possibly have been abused. It is a sorry objection to say, that you have no confidence in the man at the head of your Government, that he would apply the money to the proper purpose. I had no such objection. I did believe, in the honesty of my heart, that if an occasion had arisen for the expenditure of this money, it would have been faithfully expended for the purposes for which it was devoted by this House; and whatever may be my opinion of, or my relations with, the head of this Government, I hope the sentiment with which I voted for the appropriation cannot be charged to man-worship.

Upon this appropriation 109 names are recorded in the affirmative; and of this number my own name is recorded as the first. And if all the members of the House are here present, there are seventy-two gentlemen who now hear my voice, whose names are also recorded for it. Are they man-worshippers? Are they conspirators against the constitution of the United States, with the President, or any other human being, or association of human beings? If we are, I apprehend that those who charge us must bring some other evidence of the fact before they will be believed by the people of

this country, or by impartial posterity. And, sir, among those seventy-two names, I recognise some whose opinions by no means accorded with those of the Executive, or with those of the majority in this House—names of men who, if they were capable of any thing like man-worship, which I do not believe, it would not be for the present tenant of the executive mansion, but for some other men, even for men who now make this charge against them.

I said that this section of the bill was received in a bad temper in the Senate. There was a burst of indignation and of eloquence against this appropriation; and the Senate immediately disagreed, with very little debate, I believe. They sent their disagreement to this House. Mr. Speaker, I do not know that I appeal with certainty to your recollection as the then chairman of the Committee of Ways and Means, when I say that upon this disagreement you did me the honor to ask me, as I had voted for the bill and the appropriation, what the House should do? and that I said that I should vote for receding, because, with the temper which prevailed elsewhere, I was satisfied, if we did not recede, that the whole bill would be lost. That was my opinion; and that was the occasion upon which it will be found upon the journal that, after the Senate had first disagreed, my name is found changed, so far as to vote to recede. I did so vote, as I here declare in the face of the country, not because I meant to recall the vote I had given, but solely under the impression which I say I believed, and then communicated to the chairman of the Committee of Ways and Means, that, if the House did not recede, the whole bill would be lost. Now, as the object of the bill was for an appropriation of the same kind as ordinary appropriations for the defence of the country, and believing it impossible to gain the assent of the Senate to the bill as it then stood, I was unwilling to hazard the loss of the whole bill, and I agreed to give up the three millions. A motion in this House was made to recede; and although my vote was given in favor of receding, yet such was not the sense of the House. Upon that motion, the vote stands 87 yeas, against 110 nays, being two or three more than voted for the original proposition, and from which I voted to recede. The sense of this House, therefore, was strong, earnest, and repeated.

How was the bill treated in the Senate? How was it treated in the Senate? Sir, the next communication which the House received was, that the Senate adhered to their disagreement. Adhered! Every man knows that, in the process of intercourse between the two Houses, adhering is the last term in the disagreement, and that it is scarcely ever recurred to except as a challenge of defiance to the other House to persist. What is its consequence? It is, that, by the vote to adhere to that single section, the Senate does substantially say to this House, "take back your appropriation, or lose your bill," and that at the earliest stage at which they could pass such a vote.

It is well known to every man in this House, who has experience in these matters, that this vote to adhere never is passed between the two Houses in a good temper. It is always considered as a gauntlet thrown upon the floor as a challenge, which says, "there, lose your bill, or do what we think right."

As I adduce this circumstance as evidence that the appropriation was received in bad temper, I think myself called upon to prove what I state, that this is not the ordinary and courteous mode of communication between the two Houses. Mr. Jefferson's Manual, under the title of "Amendments between the two Houses," says:

"When either House [*i. e.* the House of Commons] sends a bill to the other, the other may pass it with amendments. The regular progression in this case is, that the Commons disagree to the amendment; the Lords insist on it; the Commons insist on their disagreement; the Lords adhere to their amendment; the Commons adhere to their disagreement. The term of insisting may be repeated as often as they choose, to keep the question open." The term "insist" (continued Mr. A.) is the courteous and decorous term: one House insists upon its own view, the other upon its own, and then a committee of conference is appointed. The Manual goes on to say:

"But the first adherence by either renders it necessary for the other side to recede or adhere also, when the matter is usually suffered to fall;" that is to say, (continued Mr. A.,) that when both Houses adhere, the bill is lost. The Manual then says:

"The term of insisting was certainly (in 1679) a happy innovation, as it multiplies the opportunities of trying modifications which may bring the Houses to a concurrence. Either House, however, is free to pass over the term of insisting, and to adhere in the first instance. But it is not respectful to the other."

Now, sir, I adduce this as an evidence that the appropriation was received in the other House in bad temper. The Senate did not take the ordinary course of insisting upon their disagreement and asking a conference, or insisting and giving an opportunity for this House to insist and ask a conference. The Manual says it is usual to insist three or four times, sooner than come to this disrespectful mode of communication.

This, sir, is the practice of the British Parliament; we know it is the practice here; we know that if the Senate send here, and the House determines to have no communication whatever, they do sometimes adhere. I know not a single instance of the kind. When a thing is so inherently odious that the House will not listen to it, they send it in this form to the Senate. The Senate does the same thing under similar circumstances; but I doubt whether another instance can be found in which, at so early a stage, the Senate has adhered. No, sir, it was a special odium, a bad odor with which this appropriation was recieved in that House, which induced them to draw the sword and throw away the scabbard, and they adhered to their refusal to appropriate. But, sir, notwithstanding that, on the adherence of the Senate, the natural feeling (which I confess was in my bosom) was, that the House should adhere also; and, although a motion to that effect was made, yet so anxious was the House to pass the bill, that they did not adhere. They passed over the uncourteous and disrespectful proceeding of the Senate, and they neither adhered nor receded; but they insisted again, and they asked the appointment of a committee of conference, to which the Senate agreed. When that agreement was made, the hour of 12, by the real time of the night, had already passed; not by a few minutes, but, according to my recollection, by nearly half an hour. When, I say, the conferees were appointed, that clock, to be sure, (pointing to the clock above the Speaker's chair,) whoever had the management of it had, so far as a clock could show, the power of Joshua, who commanded the sun and moon to stand still. But that was not the power to which old Time submitted; he moved along, not regarding the hands of this or any other clock.

Well, sir, the committee of conference went out, and the conferees of the House on that committee, I am bound to believe, felt constrained very reluctantly to consent to a reduction of this appropriation to $800,000, and thus this dreadful constitutional conspiracy all melted down to a single question of dollars and cents—whether $3,000,000, or only $800,000 should be appropriated for the defence of the country in case of absolute necessity. The appropriation was made positive,

instead of being contingent upon a necessity not certain to come, and it was confined to two objects of permanent ordinary appropriation, still leaving the possible contingent danger unprovided for. I say, sir, I believe the committee on the part of the House had been constrained to accede to this reduction, for the same reason for which I had myself voted to recede from the appropriation itself, and that was, to save the bill. But, sir, when that committee returned, this House was no more; it was a lifeless corpse. A friend and colleague of mine, now in my view, remarked indeed that, if it was dead, it was the noisiest dead body he had ever seen or heard of, and he said truly. It was so, but it was nevertheless dead *de facto;* and your journal will show that, from that time, it was impossible to form a quorum, Just before that, not only a quorum, but a very large quorum, had been found; and I say this, because, among the charges made in the "National Intelligencer," I find a contrasted view in which the extreme assiduity of the members of the Senate upon this last day of the session is compared with that of the House, where business was not transacted for want of a quorum; and that circumstance is much dwelt upon. But why was the House without a quorum? Because there were at least some sixty or seventy members who, being conscientiously convinced that they were no longer representatives of the people, refused or forbore to answer to their names. Your journal will show that motion after motion was made to ascertain if there was a quorum; your journal will show that one of the members of this House, [Mr. GILMER,] upon a call of the yeas and nays, declined to answer, upon the ground that the House was not in existence; and your records will show that no motion was made to resort to the rules of the House in order to compel him to vote.

Sir, I must say, in candor, that I was not one who believed that the powers of this House expired at midnight. I held a different opinion, and I then expressed it. More than two hours after the hour of midnight, I here stated that, in my opinion, the two years' duration of Congress, and the four years' duration of the office of President of the United States, was from the time of the day at which the President of the United States was inaugurated, and the time at which the House first commenced its operations—say the hour of noon on the 4th of March. This, I believe, is the true construction of the constitutional term of two years; but it is a constitutional question, and it is not for me to judge of the motives of others who conscientiously believed that, after midnight, they no longer held in their hands the trust which had been committed to them. This was the case with many of the members, and, as a proof of it, I refer to a vote taken a few moments before the want of a quorum was discovered. Upon the last bill which had passed, (the Cumberland road bill,) the question was taken by yeas and nays, and there appeared ninety-four members voting in the affirmative, and eighty in the negative, making a total of one hundred and seventy-four votes. One hundred and twenty-one members constitute a majority of this House; and I say this in vindication of this House upon one of the charges to which it has been subjected—of negligence to do business to such a degree as not to have a quorum. Within ten minutes of the dissolution of this House, there were one hundred and seventy-four members voting; and the want of a quorum was not in consequence of members not being here, but because they conscientiously believed that they no longer had a right to act as the representatives of the people. He recollected the particular instance of an honorable member from Georgia, a man as able, as conscientious, upright, and intelligent, as any member of that House or the present, who, being called upon, refused to answer, and gave as a reason for refusing to answer, that he was no longer a representative of the people; and, when the vote was taken, he left his seat, and went out of that door, from which he never returned. I speak of Mr. Gilmer, of Georgia. At the time, then, when there appeared an absence of a quorum, it was not that there was not an amply sufficient number of members to vote so long as they thought it their right to vote, but from the conscientious conviction of so large a number as reduced the remainder to less than a quorum, that they had no longer a right to vote, because, at the very next calling of the yeas and nays, the whole number that appeared to answer to their names was one hundred and thirteen, being sixty or seventy names less than the previous vote had shown.

Sir, after that took place, the committee of conference returned from the Senate to this House. No report was made upon the conference to this House, and the reason assigned by the chairman of the committee was, that there was no House. The yeas and nays were called, and it appeared that no quorum could be formed.

I have said, sir, that it was not my opinion that the constitutional powers of Congress expired at midnight on the 3d of March; and it becomes a question of some importance, because, if this were so, you would have no continued Government. Every two years there would be twelve hours during which there would be an interregnum, a vacuum, an anarchy, in which no Congress of the United States existed. And worse than that, upon the same principle, at the expiration of the term of service of the President of the United States, you would again have twelve hours of interregnum, of anarchy, before the President elect was inaugurated in his office. I believe, therefore, that the two years' duration of Congress and the four years' duration of the presidential term commence from noon, the time of the inauguration of the President of the United States, and the time at which the first Congress assembled to commence its operations under the constitution. There is nothing said upon this subject in the constitution of the United States; it cannot be made a question of constitutional law. What is the amount of the term of two years? It would be difficult to prove astronomically that two years, computed from the 4th of March at noon, expired in two years on the 3d of March at midnight; there would be a chasm of twelve hours. The time at which a day shall commence and terminate is a matter purely arbitrary and conventional. Some nations, in their civil computations, have commenced the day at sunrise, some at sunset, some at midnight, and some at noon. Do not all navigators, and individuals engaged in the operations of astronomy, compute the day from noon to noon? Every navigator knows this. The principle, once established, could be attended with no inconvenience, whereas the computation from noon to midnight must be subject every two years to a solution of continuity for twelve hours by the non-existence of a House of Representatives, and once in every four years to an interregnum, or vacancy, in the office of President of the United States; and emergencies might arise, might, perhaps, even be precontrived, in which either of these events would be attended with great national inconvenience. Now, astronomically speaking, if you must come to a definite conclusion, I should say that, since the first Congress met at noon on the 4th of March, 1789, two years from that time, at noon, the Congress would cease to exist; and so on up to the present time. Monarchical Governments are always guarded with every possible care against the solution of continuity—their kings never die. It would be a radical defect in every republican Government not to be invested with similar official immortality; the office always filled, however often the incumbent might be changed. Such is my opinion, and if the House had concurred with me, I would have staid

here until noon of the 4th of March. But such was not the opinion of a large number of the members. It was their opinion that, when the hour of midnight arrived, (making some, and no trifling allowance for the different indications of different timepieces—probably more than half an hour—and willing to do that, some, perhaps, more, and some less, when the time could no longer be doubted,) they believed they had no right to vote. But all that allowance of time had passed, and it was, in my opinion, at least one o'clock before the chairman of the committee of conference returned to this House. Well, sir, it was understood to be a fact, and much discussion has appeared in the newspapers respecting it, that at the time the chairman of the committee of conference returned, the President of the United States had left the Capitol, declaring that he would receive no further communication from Congress, because he considered that the constitutional term of that Congress had expired. Sir, I believe this to be true, and that he did not leave the Capitol till very shortly before one o'clock, if it was not quite one. What was doing in this House at the time must have been known to the members of the Senate, if they had seen fit to take the pains to learn. It was well known to all here that, after this time, no quorum could be formed. No vote could be had—none was taken—the House was *de facto* dead, however noisy. In this state of things, after the House had expired, and after it was a lifeless corpse, equally impotent for aggression or defence, there came a message to this House from the Senate. And what was it? I ask the Clerk to read it.

[The Clerk read as follows:

"*Resolved*, That a message be sent to the honorable the House of Representatives, respectfully to remind the House of the report of the committee of conference appointed on the disagreeing votes of the two Houses on the amendment of the Senate to the bill respecting the fortifications of the United States."]

Mr. A. continued. Mr. Speaker, as one of the oldest members of this House, and as being, from your official character, the guardian and vindicator of the honor of this House, I ask you if, in your experience in the legislation of this country, you have any recollection of such a message passing between this House and the Senate? A message reminding the House of their duty! reminding, the House of what they were to do! reminding the House of that particular business which it was their duty to take up and pass upon! Turning from you, sir, I ask the oldest member in this House, I ask the youngest member in this House, whether he has any recollection of such a message passing between the two Houses, in his experience? Any recollection of such a message from the House to the Senate, or from the Senate to the House? I pause for a reply.

I hear none, sir; and, under these circumstances, I take upon myself the responsibility of saying that no such message had been recorded on the journals of the two Houses since the Congress of the United States has existed. What, sir, one of the two Houses of the Legislature turning task-master to the other! to teach them their duty! Why, sir, we read in Holy Writ of a judge of Israel who undertook to teach the men of Succoth, and it was by scourging them with the briers of the wilderness; and this was precisely such a feature. Here are the briers of the wilderness sent in a message from the Senate of the United States, to teach this House what they are to do, and what are their duties. I dwell upon this, sir, because, if there is to be any such thing as harmony between the two Houses of Congress in the discharge of their duty to the people of this country, I hope this resolution will stand a solitary warning and monument, never to be repeated. I hope that no such message will ever go from this House to the other, for it is not the province of this House to remind the other of its duty. I hope that this House will always understand the courtesy that is due from one public man to another, and from one public body to another, sufficiently to suppose that the Senate of the United States knew themselves what was their duty, and would discharge it accordingly.

I have said that no such example exists on the records of the journal of the two Houses. There are, I am aware, instances in the Parliament of Great Britain of such messages, and they are referred to in the same Manual of Mr. Jefferson. This, sir, is the passage, under the head of Messages:

"When a bill is sent by one House to the other, and is neglected, they may send a message to remind them of it."

Mr. A. proceeded. But, sir, even there the impropriety of such a message, in all cases inexpedient, and as an act of the grossest discourtesy from one House to another, is noted; and it is said: "But if it be mere inattention, it is better to have it done informally, by communications between the Speakers or members of the two Houses."

This, sir, is the practice in England. Now, this communication, in the first place, presupposes that the House to be reminded had neglected the business; and the only case in which the Manual says it is practised in England, is where one House neglects. Sir, I have referred to the authorities in Hatsell and Gray, set down in this Manual, for the instances adduced; and I find that the last instance of such a message passing between the two Houses of the British Parliament was in the year 1721, one hundred and fifteen years ago; and in all the cases, and there are several referred to there, principally in the Parliamentary Debates, these messages were never sent unless where there was a serious misunderstanding between the two Houses, and when the neglect of a bill sent from one House to the other was great and exceedingly injurious.

Such is the nature of this message, which I hope, as I have said before, will never be repeated in the future intercourse between the two Houses of Congress. But, sir, to complete the true character of that message, let me inquire at what time it was sent. It was sent at two o'clock in the morning; it was sent after it was perfectly well known here and in the Senate that no quorum of this House could be formed; that the majority considered itself as having closed its labors, and as being no longer the representatives of the people. What was the consequence? When that message was delivered, I was sitting in this chair, and I must confess that, if ever pain and indignation filled my bosom, it was at that moment. I felt it as an insult to the immediate representatives of the people; and if the message had been sent at a moment in which the House was competent to act, with the power to resent an unprovoked insult, I verily believe that, imitating the example given us by the Congress of our confederacy during the revolutionary war, not to the Senate of the United States, but on another occasion, I should have moved that the message be sent back by two members of the House to the Senate, and cast upon the floor, with the declaration that it was not the custom of the House to receive insolent messages. Probably it was well, I believe it was, that I had no opportunity of giving vent to those feelings which arose in my bosom at that time. What were the feelings of other members of the House I know not; it was not for me to say in what light others considered the message. I do not know that I have ever communicated my feelings to any member of that House; I did not communicate them at the time; I suppressed them, for I saw that this insult was committed upon a dead body; I saw that it was the Achilles of the American nation,

dragging around the walls of Troy his prostrate and lifeless foe.

Yes, sir, there was great indignation, great eloquence, and great horror, displayed at the conspiracy and manworship of this House, with the Executive of the United States, for passing a bill appropriating three millions of money for the defence of the country, and that was the source of this triumphant message. Now, sir, technically speaking, probably the bill containing these appropriations did fail in this House; but if it failed at all, it failed before the appointment of the committee of conference; it failed in consequence of the vote rejecting that particular item of appropriation; it failed because it pleased the Senate, in their wisdom and patriotism, to stake the whole fortifications of the country upon the rejection of that single item. In the interval between that day and this, we have all had time to suffer our feelings to cool. I have submitted in silence to that operation on the part of the Senate, the manner in which it was conducted, and the temper which was manifested not only to the President of the United States, but to this House. I say I have submitted to it in silence; and if it had not been revived, if the charges against the House had not been renewed, with redoubled vigor, and with the transcendent abilities which belong to those who led the Senate to this course of operation, I would have remained silent, I would have sacrificed every thing to peace and harmony. But now, sir, under these charges, repeated, revived, and enforced with all the argument that nine or ten months of meditation could supply to minds of the highest order—when such charges go out to the people of this nation, accusing the House of Representatives of conspiracy with the Executive against their rights and interests, and of unconstitutionality in their proceedings upon this bill, I could no longer sit in silence. I have therefore moved this resolution, so that this House may not put trust in what I have said to them, but that they may appoint a committee to inquire into, and with instructions to report to this House, what were the true causes and circumstances of the failure of that bill.

After Mr. ADAMS had concluded his speech,

Mr. WISE addressed the House to the following effect:

Mr. Speaker, I did not expect this discussion to arise to-day. I was in preparation for it on another occasion, and if my facts, and inferences from them, be not presented so well arranged as they might be, and as is desirable they should be, I hope I shall be excused on the score of being thus called up unexpectedly. The whole matter shall be right in print.

Sir, this has become a very important subject, and should be so considered. The question, "Who is responsible for the failure of the fortification bill of the last session?" is now made to supersede almost every other question, no matter how deeply, pressingly, and immediately, it may involve the most important public interests for the future. I readily confess that we should be providing for the future, rather than be squabbling about the past. But so it is, "the party" has seen fit to make this a test question of political merit; it has been discussed in all the public prints, particularly in that which is the organ of the administration; is made the most prominent subject of discussion in Congress; the most woful misrepresentations concerning it have obtained currency and credence; the innocent are made to bear the sins of the guilty; truth and justice both have been violated; a presidential canvass is made, in part, to depend upon this question; the public mind is anxiously inquiring about it, and I am determined that the whole truth shall be told, and that all the light which I can shed upon it shall be given to the world. The discussion thus far has been perfectly blindfold. By one party the Senate, by another the House of Representatives, has been charged with the loss of that bill. Now, sir, the main fact which I rise to establish is, that neither the Senate nor the House of Representatives is justly chargeable with its failure.

I say, sir, let all crimination and recrimination between the Senate and House of Representatives, both innocent, forever cease, for I can prove by this journal (holding up the journal of the last House) alone, and by other indubitable testimony besides, that neither the Senate nor the House was responsible or censurable for the failure of that bill. The Senate did its duty, the House did its duty, and both were not only willing but anxious for its passage. No blame for its failure is fairly attributable to either. Called upon to say upon whom the blame should fall, I say, as Nathan said unto David, "Thou art the man!" [pointing directly to Mr. CAMBRELENG.]

Sir, let not the gentleman from New York, [Mr. CAMBRELENG] take this as personally unfriendly or unkind. That gentleman has always been courteous and kind to me, and I desire ever to be courteous, kind, and respectful to him. But truth and duty impose a task upon me on this occasion, which I must perform, regardless of all personal considerations. This subject is introduced by himself, the question is up, it is fair to discuss it, he is here present to defend himself, "eye to eye, and face to face:" this House is the place for the trial, before the eyes of the whole nation, and the truth, the whole truth, and nothing but the truth, so help us God! should go forth to the people from this Capitol!

I here charge him as being wholly, or in part, with others of his party, responsible for the failure of the fortification bill at the last session of the last Congress. And, sir, the gentleman from North Carolina, [Mr. BYNUM,] who spoke a few days ago on the increase of navy appropriations, need not have been so particular to throw a stumbling-block in the way of freedom of speech and of inquiry on this subject, by repeating emphatically so often that it was "not true" that the House of Representatives was responsible for the failure of that bill. No man who knows the truth of the case will presume or pretend to charge the House of Representatives with that failure. Whether the House of Representatives was guilty or not guilty, is not the true issue. No one will join that issue with the gentleman, and no one who knows the truth of the case will accuse the Senate.

I here make the charge, as I believe it, from the journal, my own evidence, and that of others, to be true; and I appeal to the facts to sustain it. To the facts, then, to the facts!

On the night of Tuesday, the 3d of March, 1835, the three millions amendment to bill No. 600, "An act making appropriations for certain fortifications of the United States, heretofore commenced, for the year 1835," was reported by the Committee of the Whole House on the state of the Union. That amendment reads as follows:

"*And be it further enacted*, That the sum of three millions of dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the navy, provided such expenditures shall be rendered necessary for the defence of the country prior to the next meeting of Congress."

On the question that the House do concur with the committee in this amendment, the vote stood: Yeas 109, nays 77. Number of votes, 186.

I beg of the House to mark the number of votes given, as I proceed.

On the bill to establish branches of the mint, the next vote, upon a call of ayes and noes, was, yeas 115, nays 60. Number of votes, 175.

A message was afterwards received from the Senate, informing the House that they disagreed to the three millions amendment. A motion was then made by Mr. Gholson that the House do recede from its amendment. The previous question was then called, and on the main question, "Will the House recede from the said amendment?" the vote stood: Yeas 87, nays 110. Number of votes, 197.

The House then insisted on its amendment, and sent a message to inform the Senate. The Senate then returned a message that the Senate "adhere to their disagreement to the amendment of" the House.

A motion was then made by Mr. Cambreleng that the House do adhere to their said amendment.

[Here the SPEAKER interrupted Mr. WISE, by saying it was not in order to call members by name on the floor. Mr. WISE replied that he was reading from the journal of the last Congress.]

Upon a motion then to recede, the previous question was demanded, and upon the question, "Will the House recede?" the vote stood: Yeas 88, nays 107. Number of votes, 195.

A motion was then made by Mr. Hubbard that the House do ask a conference; which motion was carried; and Mr. Cambreleng, Mr. Lewis, and Mr. Hubbard, were appointed managers to conduct the said conference on the part of the House.

Here, sir, permit me to remark, that the honorable Dixon H. Lewis, of Alabama, has not yet arrived, from indisposition, and he is not here to testify. I wish, for the sake of a full development, he was in his place. But, sir, Mr. Cambreleng is now in this House, and Mr. Hubbard is now in the Senate.

[Here the SPEAKER again interposed, and said the gentleman was out of order in calling gentlemen by their names.]

Mr. WISE again replied that he was reading from the journal of the last Congress.

[The SPEAKER said the gentlemen named are of this House.]

Mr. WISE proceeded. Well, sir, Mr. Lewis, of the last Congress, is not here; Mr. Cambreleng, of the last Congress, is now of this House; and Mr. Hubbard, of the last Congress, is now of the Senate; and Mr. Cambreleng, of the last Congress, can here tell the whole truth; and Mr. Hubbard, of the last Congress, can tell the whole truth in his place, if the gentlemen will come out fully, as they should. Each House of this Congress is supplied from the committee of conference of the last session with a witness of all the facts, who can, if he will, disclose the real truth of this whole transaction. Will they tell what they know? Will they satisfy the public mind? Will they disclose all, and conceal nothing? I pray them to speak out, and hold nothing back, for the sake of truth and justice! Sir, I could not sit in my seat calmly and coolly, and suffer the torture of this controversy, much less rise and speak, knowing the whole truth, without disclosing it fully. I could not permit innocence in my sight to grope about blindly for its defence, though guilt should fall on my own head by disclosing the truth. I could not see violence done to truth and justice, whilst I was present ready with the means of vindicating both. Let the witnesses, the best witnesses the case admits of, come forward and testify fully as to all the facts, known or unknown! Will they do it?

[Mr. CAMBRELENG said he would tell all.] I am glad to hear it, and I shall congratulate the country and the friends of truth and justice, if all be told. But to proceed.

The Senate was notified of the request for a conference.

The House then proceeded to the consideration of the bill to render permanent the present mode of supplying the army, &c., which took up considerable time. Mr. Briggs, from the joint Committee on Enrolled Bills, reported the examination of two enrolled bills, and Mr. Dickerson reported that forty-four bills had been presented to the President, the titles of which were named. Mr. Ashley, of Missouri, during this time, also made several motions, which occupied considerable time, to take up a harbor bill, which does not appear on the journal. And at this and every point of time, the House was delayed by continual efforts to take up particular subjects not in order.

The House then proceeded to the consideration of the Cumberland road bill. Previous to the vote on this bill, the conferees on the three millions amendment had returned into the House.

[Mr. CAMBRELENG here said, no, no; he had remained in the House, after being appointed on the committee of conference, until the vote on the Cumberland road bill, and voted on that bill; that the committee did not return to the House until about the time of the vote on the Moore and Letcher resolutions, which was some time after 12 o'clock.]

Mr. WISE proceeded. Sir, the gentleman must be mistaken, or he was guilty of a neglect of duty in delaying so long to attend the committee of conference. From the time of the appointment of the conferees until the vote on the Cumberland road bill, more than an hour elapsed; and if the gentleman was so conscientious about the time of night he legislated, he should have hastened to do his duty on the committee of conference, lest the House should expire before this precious bill could in conscience be saved. As he did not though, but delayed until the hour had come, he should, on that ground, if on no other, be held responsible. But, sir, my recollection is, that the committee of conference returned into the House before the vote on the Cumberland road bill; and just before or at the time of that vote, the first notice that I heard was given of the hour. The vote on the Cumberland road bill was taken up after 12 o'clock at night, I know, from two circumstances. Mr. Gilmer, of Georgia, than who no man is more honest, and no man more unaffectedly scrupulous on points of conscience, when his name was called, rose, pulled out his watch, and audibly announced to the House that he could no longer sit in his place and vote, for the reason that the hour of twelve had arrived. He immediately left the House. He practised bonafide what he professed. He gave me the first notice of the time, and of the question whether, in fact, we were defunct. He did not depend upon that false clock face, (pointing to the clock above the Speaker's chair,) the hands of which were made that night to point backwards. It was the first time in my life I ever saw old Time flying backwards; the old might soon have returned to their youth again. I wish that clock was all that is false which is fair about this Capitol! He relied on his own watch, which was regulated by his conscience. Thus reminded of the hour, and struck by the conduct of Mr. Gilmer, upon whose watch and whose conscience I could rely, I was on the point of making opposition to the bill before the House, for reason of the hour, as well as of constitutional objections, when I was prevented by my friend from Pennsylvania, [Mr. MCKENNAN,] who held me down, in a playful way, in my seat, which circumstance he may recollect. Thus I am certain, that when the vote on the Cumberland road bill was taken, the hour had come and was past! I voted on that bill on account of my constitutional ob-

jections to it, and declined several votes afterwards, until my colleague [Mr. MERCER] and others convinced me there was no foundation for the objection to voting after 12 o'clock. On the question, "Shall the bill pass?" the vote stood: Yeas 94, nays 80. Number of votes 174.

This, sir—this was the last bonafide vote of the last House of Representatives. Here it died, strangled by fraud and foul play!

I beg of the House to stop here a moment with me, whilst I collect together and group the facts which I wish borne along in our remembrance, when approaching other facts which follow.

The House will please to remember that the committee of conference was appointed long before the vote on the Cumberland road bill, and time enough for them to have reported before the hour expired.

Remember that the committee of conference returned just before or at the time of the vote on the Cumberland road bill, or just before or at the time of the vote on the Moore and Letcher resolutions. I care not which.

That, from the offering of the three millions amendment until the Cumberland road bill, inclusive, the yeas and nays were called five times, showing, at the different times, 186, 175, 197, 195, and, immediately preceding the Moore and Letcher resolutions, 174 members present and voting.

Mark, now, the names of those who voted on the Cumberland road bill knowingly and wittingly, with proclamation of notice, after twelve o-clock at night. Among the yeas in favor of that bill we find the name of Samuel Beardsley, a gentleman who, in a breath afterwards, excused himself from voting, for the reason "that the term for which the members of the twenty-third Congress had been elected had expired." Such is the vote, and such the reason for not voting, as the journal shows beyond dispute.

[Here Mr. BEARDSLEY said that, by his watch, it was not so late as twelve o'clock when the vote on the Cumberland road bill was taken. He recollected that there was a diversity of opinion about the hour.]

Well, sir, the gentleman has served in more than one Congress: did he ever know any diversity of opinion, any question about the hour, before the last night of the last session?

[Mr. BEARDSLEY said he could not submit thus to be catechised.]

I know, sir, from childhood up, that catechisms are unpleasant; but when truth is suffering violence we must all submit patiently to be questioned, and the nation must know all the facts, and the whole intent in this case. But perhaps by that gentleman's watch it was not then twelve o'clock, though it was soon afterwards. I know it was twelve o'clock and past, for I remember well the fact that Mr. Gilmer, whose conscience did keep a strict watch over his timepiece, announced it to the House and departed from his post, which he never did unless compelled by sickness or a sense of duty; and I know that I was held in my seat by the strong arm of a strong friend of the Cumberland road bill. The name of that gentleman is not the only name which I wish the House to remember among the votes on this bill after twelve o'clock at night. Among the nays, sir, we find the name of Churchill C. Cambreleng.

[Here the SPEAKER again interrupted Mr. WISE for calling members by name.]

Mr. WISE again said, I claim the right to read the journal of the last session of Congress. Names, dates, persons, facts, are what are wanted. I cannot get along unless I am permitted to call things by their right names. It is impossible for me to get along with any thing like a connected relation of facts, if I am thus to be interrupted.

[The SPEAKER said the gentleman has the right to read from the journal. I thought he was naming gentlemen in this House.]

Mr. WISE replied, I have told you, Mr. Speaker, repeatedly, that I was reading from the journal, and I claim the right to read plainly out the name of—Churchill C. Cam-brel-eng.

[Cries of "go on! go on!"]

As soon as Churchill C. Cambreleng gave this vote, and all the votes were told, after twelve o'clock at night, Churchill C. Cambreleng, the chairman of the committee of conference, might as well have done his duty and made his report to the House. But this is not all. Two enrolled bills were next reported, one of which the Speaker signed after twelve o'clock at night, confessedly.

Mr. Jarvis, of Maine, then moved the following resolution:

"*Resolved*, That, the hour having arrived when the term for which this House was elected has expired, we do now adjourn."

Sir, note that here is a resolution offered to the House, giving additional notice to that of Mr. Gilmer, that the hour had come. Note by whom this resolution was offered: by a gentleman who afterwards voted.

[The CHAIR again interposed for calling proper names.]

Mr. WISE. I read from the journal. I call the attention of the House to the fact that here is a resolution to adjourn, for the reason of the time of night—that the hour had come—that we were dead. Mr. Jones, of Georgia, also, immediately moved to adjourn, for the purpose of trying whether the House thought it could sit after twelve o'clock. Here is double notice to all who had conscientious scruples. It was negatived. When was the want of a quorum to do this?

A motion was then made to suspend the rules to take up the Moore and Letcher resolutions. It passed in the affirmative. Where was the want of a quorum to prevent doing this? After debate, the previous question was moved and demanded. On the question, "Will the House agree to the resolution as herein recited?" the vote stood: Yeas 111, nays 2. Number of votes, 113.

No quorum! but among the yeas I find the names of John Quincy Adams and Churchill C. Cambreleng! Yes, sir, both voting long after all had been thrice notified that the hour had come! Where were their consciences?

[The CHAIR here said it was not in order to indulge in personalities, or to refer to motives.]

Mr. WISE. Why, sir, the gentleman before me (Mr. C.) is continually assuring me that he does not object to be named, and why should the Speaker? No member calls to order, and I hope I shall be permitted to proceed. The gentleman from Massachusetts has said that gentlemen refused to vote after twelve o'clock, for reason of "conscientious scruples." I put the question, then, in more charitable phrase: where were their "scruples?" Not only had Mr. Gilmer retired, announcing beforehand his reason, but two resolutions had been expressly offered to adjourn, assigning the reason that the hour had expired—notice given verbally and in writing before this vote was taken. Where were the scruples of the gentleman then, who after this gave as one reason for not reporting from the committee of conference, that the hour had come?

But, sir, the most important fact at this point of time to be noted is, that at one moment you see one hundred and ninety-seven, at another one hundred and ninety-five; immediately preceding this moment one hundred and seventy-four members present and voting; and of a sudden, in the twinkling of an eye, as if by magic word,

there is no quorum! Sir, at the sound of the whistle, the Roderick Dhu-men disappeared! Where did they go—why—for what?

Two enrolled bills were next reported as having been presented to the President for his signature; and a message was next received from the President, notifying the House—the House, of course, then in being, after, long after, 12 o'clock—that he had approved and signed more than seventy enrolled bills. The President, this proves, was in the Speaker's room after 12 o'clock at night, signing bills. It is notorious he was in that room signing bills, after that time of night, after Mr. Gilmer retired, and after the resolution of Mr. Jarvis to adjourn.

[The CHAIR again interrupted Mr. WISE for mentioning names.]

Mr. WISE asked, what names?

The CHAIR. The name of Mr. Jarvis.

Mr. WISE. I am reading from the journal.

The CHAIR. I did not so understand the gentleman.

Mr. WISE. Why, sir, those names which I am reading from the journal died, according to conscience, on the 3d of March last!

Mr. MERCER said his colleague [Mr. WISE] must of necessity refer to the names of members of the last Congress.

Mr. WISE. I claim the right to do so, and protest against this interruption of the Speaker!

The CHAIR disclaimed any intention to interrupt the the gentleman from Virginia.

Mr. WISE. I hope I may proceed, then, without interruption. A motion was received from the Senate as to enrolled bills, signed by the President. How could we receive this messsge if we were dead? A motion was again made by Mr. Jarvis to adjourn. Here it was that Samuel Beardsley, of New York, being called, declined to answer, on the ground that the session had expired! He was called and came not, at this time, because the hour had come! Had not the hour come on the Cumberland road bill? Was not notice given to all by Mr. Gilmer that the hour had then come? Mr. Beardsley's name was passed over, and he did not answer again that night. There were many others who did not come again that night, who were here, but had a call from behind the curtain—who shrunk from their posts, and skulked behind that chair, behind those pillars, appeared and disappeared at the sound of the whistle, and who should have shrunk into nonentity!

The question was taken on adjournment moved, then, notoriously after twelve o'clock, by Mr. Jarvis, who had already said, by his resolution, we were dead. The vote stood: Yeas 15, nays 103. Number of votes, 118.

Here, sir, only three members were wanting to make a quorum; and I know, I will make oath to the fact, that there were more than three members in the House who did not vote. Mr. Beardsley was present, Mr. Mann, of New York, was present, and I was present myself, and neither of us voted. I will account, sir, for not voting myself. I wish every gentleman would do so, and had done as I did afterwards—answered when called. But who did vote? Mr. Jarvis voted in the affirmative, and Churchill C. Cambreleng voted in the negative, voted against adjournment, after he knew the hour had come! After every kind of notice which he could have had of the expiration of the hour, he voted against adjournment; virtually declaring, necessarily voting that the House might sit, was competent to legislate, and ought to continue in session. Now, sir, gentleman may excuse themselves, those who pretend to have had "conscientious scruples," for voting in the affirmative, for that may have expressed their scruples about continuing to sit; but I am utterly at a loss to see what can justify those who had "conscientious scruples" in voting against adjournment. Why vote to sit if they could not sit? If the House no longer existed in law, and possessed no legislative funcions or power, after the hour of twelve, what object was there in voting to continue its session? Will the gentleman from New York [Mr. CAMBRELENG] say that he changed his opinion; that his "scruples" were begotten between this point of time and the moment he refused to report the proceedings of the committee, for the reason that the hour of twelve o'clock had expired?

But, sir, I must proceed; I am determined to travel over the whole journal, and point out every fact, even to the crossing of the *t's* and the dotting of the *i's*. After Mr. Jarvis's last resolution failed, for want of a quorum, Mr. William Cost Johnson, of Maryland, from the select committee on establishing a national foundry, made a report, which was read, and the resolution therein recommended was agreed to by the House! How could this report be made, and this resolution be agreed to by the House, if there was no quorum and no House? If a quorum and if a House to receive and agree to a report and resolution of a select committee, why was there not a quorum and a House to receive and agree to the report of the committee of conference? Why did its chairman, Churchill C. Cambreleng, not then make its report? He was voting against adjournment, though he knew, all knew, the hour had come; and, so far from being a dead body, the House was a living, legislating, acting, moving body!

The Speaker then laid before the House no less than nine communications from the executive Departments, among which was the letter of the Postmaster General, which was read; and Mr. White, of Florida, laid upon the table an act of the Legislature of that Territory. In a word, sir, every species of legislative action was performed. We were invested with all the functions, attributes, powers, and paraphernalia of a House of Representatives. We were not dead, but living legislators, with the substance as well as the semblance of an organized body—the Speaker sitting in that chair, the members here in their seats, long after it was notorious that the hour of twelve o'clock was past and gone forever. Thus formed, thus acting, living, moving, and having our being, we received a message from the Senate to notify the House that the Senate was waiting for us to act upon the fortification bill:

"A message from the Senate, by Mr. Lowrie, their Secretary:

"Mr. Speaker, I am directed to bring to this House a resolution passed by the Senate, and which is as follows:

"*Resolved*, That a message be sent to the honorable the House of Representatives, respectfully to remind the House of the report of the committee of conference appointed on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill respecting the fortifications of the United States."

Sir, what did this message mean or say, which could have been offensive? It is expressly respectful in its language and in its object. The Senate was waiting for the action of the House on this bill, which alone delayed the termination of the session, and which remained unacted upon by the House, whilst it was acting upon a great variety of other business of much less importance. To my mind, the Senate, by this message, so much abused in the interpretation of it, said to the House, "respectfully," "we do not wish this bill to fail, and we respectfully ask that you will act upon it, and save the interests of the country involved in its passage." This message was received; it was not sent back with an insult to the Senate, as the gentleman from Massachusetts [Mr. ADAMS] would have dashed it on their floor; and what then transpired? The journal states:

"Mr. Cambreleng, the chairman of the conferees on the part of the House, then rose and stated that he declined to make report of the proceedings of the committee of conference aforesaid;" and, sir, mark the reasons, and compare them with the facts already detailed: "On the ground that, from the vote on the resolution granting compensation to Robert P. Letcher, which vote was decided at the time the committee returned into the House from the conference, it was ascertained that a quorum was not present; and, further, that he declined to make the said report, on the ground that the constitutional term for which the House had been chosen had expired."

Up to this moment the House had been hourly waiting for the report of the committee of conference, and not until this moment had the least intimation been given that the chairman of the committee would decline to make the report! He gave two reasons: First, "it was ascertained no quorum was present." How was this ascertained? Why was not a quorum present? That is what I wish the gentleman to answer me! Up to a given point of time—up to the vote on the Moore and Letcher resolutions; and, if that was the time when the committee of conference returned, up to the very moment when that committee did return, there were one hundred and seventy-four members present and voting—fifty-three more than a quorum. What became of this number of votes? Why, sir, at the sound of the whistle, at the wink of the leaders, the "faithful vanished! the "trained bands" were "down! down!" in ambuscade, at the stamp of the foot! It was not because they were not here, but because, being here, they would not vote—were ordered not to vote, that there was no quorum. I put it to the gentleman if he did not know, and does not know now, that there was more than a quorum present? How many were present refusing to vote, when but three were wanting to be added to the vote of one hundred and eighteen? Were there not more than twenty present who voted, or refused to vote, as circumstances directed them, or as the leaders pleased? Who were they who would not vote? Read the journal for yourself—he who runs may read. Look at the names of "the party!" It was not the House, or a majority, which was to blame. A majority of the House was ready, and willing, and anxious, to pass the bill; but a very small minority could reduce us below the number of a quorum. A majority of the House maintained their posts and did their duty that night. Some, it is true, left from anxiety to get home, some were sleepy, some were——I beg pardon, I was about to say some were drunk; but, drunk or sober, they were ready to vote and pass the bill; but the chairman of the committee of conference [Mr. CAMBRELENG] would not make his report, because there was no quorum! Now, how did he know there was no quorum without a call of the House?

[Mr. CAMBRELENG. I knew it.]

Mr. WISE. Yes! I know you knew there would be no quorum without a call; no man knew it so well as you did! But how did you know it? Did you not know where those were who were ordered to be "deficit" on the occasion of a call? So much for the want of a quorum!

The second reason of the gentleman was, "that the constitutional term for which the House had been chosen had expired!" Now sir, please compare this reason with the gentleman's own votes. Thrice, previous to his excuse, the gentleman himself had voted on a call of the yeas and nays—he voted on every call—from the Cumberland road bill up to this paltry excuse, repeatedly after twelve o'clock at night! He voted against the Cumberland road bill, then in favor of a resolution to pay money out of the House fund to Robert P. Letcher, and actually against an adjournment, after the hour of twelve o'clock, before he gave in this excuse for not reporting from the committee of conference; and, sir, will it be believed that the gentleman did actually vote upon a call of the yeas and nays even after he gave this reason, that the term of the House had expired! Sir, I cannot understand the consistency of this conduct with these excuses for failing to do an act of duty. Can the gentleman explain this?

[Mr. CAMBRELENG. Yes, I will.]

Mr. WISE. You will attempt it, but you cannot explain it. Yes, sir, after this excuse was offered, a motion was made to adjourn, and on the call of yeas and nays Mr. Cambreleng was found still voting. And, sir, among the list of nays on this last vote, at the fag end of the night's labors, is found the name of John Quincy Adams.

[Mr. ADAMS here explained.]

Mr. WISE was proceeding to reply; when

[Mr. MERCER said his colleague had totally misapprehended the gentleman from Massachusetts, and repeated in substance Mr. ADAMS's explanation.]

Mr. WISE. Then I have misunderstood the gentleman. I thought he had been arguing all the time that the House was a dead Hector at twelve o'clock that night. The distance of the gentleman's seat prevents my hearing him distinctly. I am happy to be corrected, for the gentleman's opinion is one I regard highly on such questions.

But, sir, there is that other name, which must not be forgotten, by the side of the towering name of the gentleman from Massachusetts; that name reads, Churchill C. Cambreleng, who continued to vote after he excused himself from reporting, because in his conscience he was dead!

To go back a little. Mr. Cambreleng, with such excuses, and such of his own conduct to rebut them, declined to make the report of the conferees, and Mr. Lewis had to make the report, long, long after the conferees had returned to the House.

[Here Mr. CAMBRELENG said the report was not made by Mr. Lewis.]

Mr. WISE. He did make it! Here it is upon the record, (holding up the journal:) this journal says so.

"Mr. Lewis, from the conferees, then made a report, as follows:

"That the conferees had agreed to recommend to the respective Houses, that the House of Representatives recede from its amendment, containing an appropriation of three millions of dollars, to be expended, in whole or in part, under the direction of the President, for the military and naval service, including fortifications and ordnance, and increase of the navy; and that, in lieu thereof, the bill be amended by inserting therein the following, viz:

"As an additional appropriation, the sum of $300,000 shall be appropriated for arming the fortifications of the United States, over and above the sums provided in this act; and that the sum of $500,000 shall be, and hereby is, appropriated for the repairs and equipment of the vessels of war of the United States, in addition to previous appropriations; the said sums to be paid out of any money in the Treasury not otherwise appropriated."

On the question to adopt this report, it was objected there was no quorum; and tellers having been named, they reported that no quorum was present.

Mr. Lewis did make the report, whether it was received on not, and it was entered on the journals. I was sitting by him when he made the report. He took it from Mr. Cambreleng, who was called on to make it, and handed it to the messenger of the Clerk, who has put it upon record. He made the report, though the hour had come! And, sir, I could not but observe his astonishment when Mr. Cambreleng refused to make the report. No quorum! Do we ever count the House when we receive the report of a committee?

How know there was not a quorum before a count? Sir, it was notorious there was a quorum; it was known to every man. I would say, if there was one, there were one hundred and fifty members at least in the House when that report was made. They were in that lobby; they were skulking in every direction, and refused to vote. They knew their own motives. I will not dive into their hearts, but such is the fact!

After the yeas and nays on adjournment, we received another message from the Senate, by Mr. Lowrie:

"Mr. Speaker, I am directed to inform the House of Representatives that the Senate has finished the legislative business before it, and is ready to adjourn."

Now, sir, no man will accuse me of being the advocate or the apologist of the Senate. But "give the d——l his due." Let the truth be told—acquit whom it may--injure whom it may. This message can be considered in no other light than another respectful intimation to the House to act on the fortification bill. So I considered it at the time. The Senate could not with propriety have renewed the first message, without seeming to arrogate the prerogative of dictating to the House, or without seeming to be guilty of the insolence which was charged upon the first message by the gentleman from Massachusetts, [Mr. ADAMS.] They therefore said, "the Senate has finished the legislative business before it!" And was this not the fact? Was the fortification bill there? No, sir! it was here, in this House, and here unacted on! Yes, sir, notwithstanding this bill was still unacted on in the House, Mr. F. O. J. Smith, of Maine, one of the "faithful," offered a resolution, "that a committee be appointed to wait on the President, and to notify him that, unless he may have further communications to make, the two Houses of Congress, having completed the business before them, are ready to close the present session. Although this was admitting that the session had not closed, yet, was it true that both Houses had completed the business before them? Had the House of Representatives acted on and completed the fortification bill which was before it? It had not. The Senate had completed its business; the House had not.

The House again proceeded to take up the Letcher resolution. There was no quorum answering, though one present. Mr. Smith then moved a message, to notify the Senate that the House "had completed the business before it," whilst the fortification bill was still unacted on, and after the two messages from the Senate directing our attention, requesting our attention, to it! Pending this motion and the call of the House, Mr. Mason moved to adjourn, because the Senate had adjourned, and his motion passed in the affirmative, without even the usual interchange of courtesy between the two Houses and the other branch of the Government. Such was the termintion of the last Congress; and I do say, sir, it was one of the most disgraceful scenes I ever witnessed; it was unbecoming barbarians and savages, much more the representatives of a civilized nation! Sleepy, tired, drunk!

Mr. BYNUM. Is the gentleman in order when speaking thus of the last Congress?

Mr. WISE. I do not pretend to say, Mr. Speaker, that all Congress was drunk, or that one half, one third, or one tenth of the members were drunk; but I know that some were drunk; that I was not of the number; and so it was, that what with manoeuvring, being tired, opposed to some measures, sleepy, drowsy, and drunk, no quorum could be had unless it had suited certain individuals.

Mr. LANE said he should like to hear the names of those who were drunk.

Mr. WISE. The gentleman might feel unhappy, sir, if I were to mention names.

I have now, sir, given you the facts upon the journal; but there are other important facts—facts unwritten, as well as facts written. Out with them! Come, rise in your high places all, here and elsewhere, and tell the truth, the whole truth. Sir, it is said that bill failed in the House. That is not true. It failed before it got to the House from the conference room. It dropped like a spent ball before it quite got here; it dropped near that door. Sir, there are two statements about the matter; they may be conjectural; I cannot vouch for them. I mean to put interrogatories. I put it to the gentleman, [Mr. CAMBRELENG,] Did no "busybody" whisper aught in his ear as he was on his way to report to the House? Did no one tempt him, as he passed, to strangle the bantling under his care? Was there no magician near? No d——l and his imps? And, if this may be denied, I put it to the honorable chairman of the committee of conference, [Mr. C.,] if no member of the committee received a billetdoux after he resumed his seat? Did the honorable chairman, after he left the conference room, not intend to make the report? Did he not, after he returned to the House with it, inform a gentleman from Tennessee, [Mr. FORESTER,] though it was then after twelve o'clock at night, that he intended to make the report? Did he not sit down by a gentleman from Ohio, [Mr. WHITTLESEY,] and give him to understand, with the report on the desk before him, that the report was to be made? Why did that intention fail? What prevented? Sir, there were spirits haunting the Capitol that "awfu' night"—there were strange whispering—chattering elfs—ghosts, as I am told—I did not see them—blue devils and imps! Is it true? Was there any dealing with the "infernals" that night? Tell us, I pray, tell us, and let the curse fall on the necromancers—not on the victims of the horrid spell!

[Mr. CAMBRELENG. I can tell you.]

Mr. WISE. Ay, you can tell us, can you? There is another more important fact, which must come out. Out with it all, say I. You, Mr. Speaker, ay, you, sir, are deeply concerned in that matter; deny it if you can. Before I disclose that faat, I must premise that I voted for the three millions amendment. There were 109 votes for it, the name of John Quincy Adams first, and my name last, on the list of yeas. I was held to a strict accountability for that vote by my constituents, with whom I have settled it, as a gentleman whom I now see [Mr. TYLER] can attest, for I believe he heard my reasons and my apologies before the people. Sir, I have now to say that, under the impressions of that amendment at the time I gave that vote, I would give the same vote again, with the same information I then possessed. And here, be it known, by the way, in justice to the gentleman from New York, [Mr. CAMBRELENG,] that he did notify me personally in that lobby—I do not know that he notified the House—one or two days before the 3d of March, I believe—

[Here Mr. C. said he notified the House the day before, when he withdrew the resolution for contingent preparation for war.]

Mr. WISE. Of that I am not certain; but the gentleman did notify me, personally, perhaps the day before it was offered, that he intended to offer that amendment, and asked if I would vote for it. I replied that, without reference to a state of war, for a peace establishment alone, I would vote for thrice three millions, for the purpose of putting our navy in respectable trim, and to repair and complete our fortifications. But no one notified me, no one informed me or the House, in my hearing, that the President recommended that additional appropriation, or that "it was in accordance" even "with the views of the Executive!" I had sufficient information of my own, without the views of the Executive, to convince me of the necessity of a large

appropriation for means of national defence. I knew that our navy and fortifications were in a most lamentable and disgraceful condition—disgraceful to a nation like this—disgraceful to the Departments which have their care and superintendence! I knew that, notwithstanding our commerce floats and needs protection in every sea, notwithstanding the navy was a popular favorite, notwithstanding more than sixty-five millions had been expended on a navy since the last war, we had but one ship of the line in commission on the ocean! We have but one now.

I knew that several new ships, which had never been in service, were rotten and decayed. I knew that some were rotten on the stocks for want of care. I knew that the naval architecture which has lately been introduced by the board of navy commissioners was a disgrace to the arts in this country. I knew that to put crews on board several of our sloops of war, the Warren, Lexington, and Natchez, for instance, was to send them to a prison-ship; that the vessels could not sail fast enough to overtake any thing they could whip, and could not get out of the way of any thing that could whip them. I knew that the projectors were ashamed of their own experiment. I knew that immense sums of money had been thrown into mud and water upon certain "water-halls." I knew that certain grand improvements upon our guns, reducing their weight from that well-known standard of experience and science, 200 pounds of metal to the pound of ball—the chimera of medium guns*—had ruined, in a great measure, our naval ordnance. I got the report of the inspector of naval ordnance into the House the very last night of the session, through my friend the honorable William Cost Johnson, who made the report on establishing a national foundry. That report had been made to the board of navy commissioners for more than twelve months, and had never been communicated to Congress, because, I presume, it exposed some of the chimeras of the Department, and shows how the sixty-five millions have, in part, been expended. From that report I knew that about 750 of the guns of the navy were unfit for service, and they are now, many of them, on board your vessels of war. The men are afraid of them. I knew it would take from six to twelve months to get our ships and vessels of war in ordinary afloat. Concerning the War Department, I knew that scarcely one of the old fortifications, which were left dilapidated by the last war, was in a state of repair. Witness the facts exposed during the debate that very last night of the session in relation to Fort McHenry, near Baltimore, and the works on the Gulf of Mexico! I knew that, notwithstanding more than twenty-six millions had been expended on building, or rather on commencing to build, fortifications since 1820, not one scarcely of our new fortifications was completed. I say "commencing to build," because the system has not been one of defence; it has been one of electioneering to scatter Government patronage! Instead of completing those commenced before others are begun, as many congressional districts as possible are given a taste of Treasury pap, and the works begun and incomplete are left to the necessary injury of delay, and to the tender mercy of any enemy who may choose to capture them. Your own forts are now exactly in the condition either to be blown up, or to be turned upon yourselves. Witness Old Point Comfort and the Rip Raps! I knew, sir, that, with the most extended coast of any people on the face of the earth, on the gulf, on the Atlantic, and on the lakes, to be defended, we had not a fort in readiness for any emergency, near or afar off. I knew, according to information from the ordnance department, it would take twenty years, at the present rate of appropriation, one hundred thousand dollars only per annum, or, in other words, a present appropriation of two millions of dollars, for armament of fortifications alone! I knew we had but three safe foundries in the entire eastern section of the country, at which ordnance can be cast. I knew that casting of ordnance was no light job, and two millions worth was not to be cast in a day. I knew that from Florida to Maine there was not a single fort which could mount twenty guns. I knew that there were no gun carriages. Witness Fort Washington, the guard of the pass to this Capitol, which has once been burnt, has not a gun on its ramparts. And, in addition to all this, I knew that a French minister (General Bernard) knows our condition of defence better than we do, for he has been our chief engineer! Such I know to be our condition, and such I know to be our condition now, though year after year, every year the false cry has been heard from the watch-towers, "all's well!" Every session of Congress, every return of the session, have we been most graciously greeted with the formal and fashionable congratulations and felicitations on the happy and unparalleled present condition and the prospects of the future prosperity of our country. And, Mr. Speaker, here we are! caught naked, defenceless, unprepared, and unpreparing for defence, with our hands in the lion's mouth! Let those who have all the time had all this information, and who have all the day been standing idle, recommending nothing, reporting nothing, advising nothing, no! not until this very moment, bear the blame; I, and those with whom I act, are innocent.

Sir, I say I knew that, with all this immense want of appropriation, three millions would be but as a drop in the bucket for either of the objects—fortifications, ordnance, or increase of the navy. Knowing this, I voted for that amendment. Not with reference to war; for, not more than twenty-four hours before, the gentleman from New York [Mr. CAMBRELENG] had withdrawn his resolution to make contingent preparation for war, though that gentleman proposed the three millions amendment, and now assigns the necessity at the time of preparing for war as the reason! The gentleman from Massachusetts [Mr. ADAMS] withdrew a similar resolution, and voted the very next day for this amendment; and now tells us that the "next step for those who voted against that amendment was to join the enemy!" After the withdrawal of that resolution upon French affairs, but the day before, by the chairman of the Committee on Foreign Affairs, could I, could any not initiated, doubt that these three millions were not proposed for war? I voted for the amendment for reasons of peace, not of war. I thought it the best way to keep peace to be in a state of readiness for war, and that sound economy as well as policy required the appropriation. For the reasons I have given, I wanted no estimates, no more data than I had already.

But, sir, many gentlemen had not then this information—the estimates, the data. No information, no estimates, no data, were furnished by the Departments, or by the committees. There was time enough for the estimates to have been furnished; for I tell you that notice was given to me personally, beforehand, and it must have been in contemplation, before notice, that this amendment was to be offered; and the gentleman from New York [Mr. CAMBRELENG] shall not claim to have given notice, and still urge that there was not time for the data to be furnished. Indeed, all the time his resolution was pending to make contingent preparation for war, these data and estimates should have been prepared; they should always be ready. But no information of the kind was furnished those even who might have been willing to vote upon faith in the President.

* These guns, I am told, were ordered in 1826.—*Note by Mr. W.*

The faith of some was monstrous strong!—did not know that he wished such an appropriation, or even that he thought it proper. Why, sir, when I returned home, and was accused by my opponents of voting the President three millions of dollars, I honestly and sincerely told my friends that the President never called for the appropriation, and I presumed he must have thought it unnecessary, or he would, as in duty bound, have certainly recommended it by message, or through some Department. Never, until I saw his message to this Congress, did I know that amendment was "in accordance with the views of the Executive. And, sir, I venture to say that a large majority of the last Congress were as ignorant as I was of any such "views of the Executive." I can prove here on the spot, by a member of the Committee on Foreign Affairs, [Mr. PEYTON,] that he was totally ignorant of "the views of the Executive," or of any information from the Departments in relation to this three million amendment.

But, sir, I now know, by evidence newly discovered, that some few did know that the President did desire this appropriation of three millions; that they, though chairmen of the principal committees, never communicated it to their committees, much less to the House; that they whispered it to a few others, and told them "not to say any thing about it." You, Mr. Speaker, you, I charge with the guilt of that fact! You may deny it in your place, or not. If you do deny it, I am ready, with a witness, to prove that—

[Here Mr. WISE read a written statement, given to him by the honorable Luke Lea, of Tennessee, corroborated by the statement of the honorable Samuel Bunch, of Tennessee, in the following words:

"On the last night of the last session of Congress, pending the question of the three million appropriation, two of the members of that Congress hesitated as to the propriety of voting for said appropriation, when one of them proposed to the other that he would make inquiry of one of the members of the Committee of Ways and Means, who sat near them, whether this appropriation had been asked for by the President; which he did, and received for answer, that the committee had been asked for it, or it had been intimated to them that he desired it, but that you need not say any thing about it; which answer was immediately communicated to the other member. It was then agreed upon between the members, that, as the money was not to be used except for the purposes specified, and not until the contingency should happen to make it necessary, they would vote for the amendment."]

Sir, I charge you with being that member who—

[Loud cries of "order! order!"]

Mr. WISE. The chairman of the Committee of Ways and Means, [Mr. POLK,] it is said, gave this answer. Is it true? Yes or no! Guilty or not guilty?

The CHAIR. If it is desired that I should make any statement of any fact in my knowledge, I am ready to make it.

[Cries of "no! no!" from Mr. POLK's own friends.]

Mr. MERCER considered the call upon the Speaker, as such, to be out of order; but the call upon him, as a member of the last House, in order.

Mr. WISE. I call upon the chairman of the Committee of Ways and Means of the last Congress.

The CHAIR said, if the House wished it, or would permit it, he would make a brief statement. [Cries of "no! no!" from some of his own friends, and of "agreed! agreed!" from all quarters.]

Mr. ADAMS here attempted to get an explanation.

Mr. MERCER hoped the House would yield its unanimous consent to the explanation of the Speaker.

Mr. VINTON wished to know if the Speaker himself desired to explain: because, if not, he should object to it.

The CHAIR said he considered the whole proceeding out of order; but, as he had been personally alluded to, he had not arrested it, and that it would afford him sincere pleasure if the House would permit him to make a statement.

No objection being made,

The SPEAKER (the House having given its permission, and many members expressing a desire that he should do so) said that the Chair took great pleasure in stating to the House that, upon that occasion, he had felt great solicitude for the safety of the appropriation bills which had not been acted on; perhaps the more solicitude, from the position he at that time had the honor to occupy in the House, as chairman of the Committee of Ways and Means. Having, as he had, charge of some of these bills, and feeling that some responsibility devolved upon him, his attention had been closely directed to them. He did remember, upon that occasion, when the three millions appropriation was moved, that, in a casual conversation, two members of the House, two of his own colleagues from Tennessee, who were also members of the present House, and who at that time occupied seats immediately in his rear, asked him some question in relation to that appropriation, and that he replied that he thought it a proper appropriation, and one that ought to pass. He had, he said, no recollection of the precise language he made use of, but he had said, in answer to the inquiry of his colleague, substantially, that he thought the appropriation proper, that the Executive had been consulted, and that it met the Executive's wishes, or something to that effect. As chairman of the Committee of Ways and Means, inquiries had often been made of him in conversation, by members of the House, in relation to different appropriations; and he had always given the information in his possession, as he had in this instance.

The Chair would then state what he had not perhaps thought it necessary, at that time, to be stated to the House, and it was this: that he had conferred with the chairman of the Committee on Foreign Affairs, and with some members of the Executive, upon the subject of this appropriation. As chairman of the Committee of Ways and Means, it was his duty, if a heavy appropriation was proposed, to ascertain, and be able to give the information to the House, if it was required, whether the Treasury was in a condition to bear it. He had always felt it to be his duty, whilst chairman of that committee, to consult different members of the Executive branches of the Government, when he thought it necessary to obtain information in regard to all appropriations for the public service. And when the question was asked of him by his colleagues, in regard to this appropriation, the individual now occupying the chair had answered, in substance, that he thought the appropriation altogether proper, and that it met the approbation of the Executive. He did not remember adding any thing of the purport stated by the gentleman from Virginia, though he may have done so, and would not say he had not; though, if he had, it had escaped his recollection.

The Chair would respectfully remark that he was really unable to conceive how this could be a matter of any sort of importance. If it had an important bearing, he was at a loss to perceive it. The Chair felt a deep sense of obligation to the House for the opportunity offered him of giving this brief statement.

If the House would permit him, he would add a single suggestion. It must be evident that the debate which had sprung up that day had given rise to great excitement and feeling, and would require great forbearance, on the part of the House and the Chair, to enable him to preserve order. He would repeat to the gentleman from Virginia that, in reminding him, a few moments

ago, that it was against order to refer to honorable members of the last Congress who were also members of the present House, and in their seats, by their names, it was far from the intention of the Chair to interfere with any of the rights of the gentleman from Virginia, and would exceedingly regret to interfere with the rights of any member upon the floor. The Chair thought it out of order, and supposed such a course of debate, if suffered to proceed, was likely to produce excitement and collision, and he had therefore wished to arrest it. He felt assured that the gentleman from Virginia, and every other member, would see the necessity of such a course, and would sustain the Chair in his efforts to preserve the order and harmony of the proceedings of the House.

Mr. LEA, of Tennessee, then rose, and confirmed the statement which he had given Mr. WISE in writing, and which the Speaker [Mr. POLK] admitted to be true.

Mr. WISE. Sir, permit me to say that I truly and sincerely sympathize with the situation of the Chair. I know its embarrassments, and I shall at all times be ready to sustain its efforts to preserve order.

But to proceed. And this, Mr. Speaker, is not an important fact! What, sir! the chairman of the Committee of Ways and Means know the fact that the President desires an appropriation of three millions of dollars, not communicate it to his committee or to the House, and, whilst endeavoring to get it through, and obtain votes for its passage, to whisper the President's will to a few members in their seats—to be kept a secret!!! Great God, sir, and this in these days, in the green ree, is not a matter of importance. I wish not to deal with this fact until I have a fair opportunity.

Mr. PEYTON here moved an adjournment; which was carried.

On the following day Mr. WISE resumed his remarks, as follows:

Mr. Speaker, before I proceed with my remarks of yesterday, permit me to say, the reflections of the past night have admonished me that a most serious, solemn, and delicate duty has accidentally, on the occasion of this debate, devolved upon me, and upon all in this House who are disposed, without fear, favor, or affection, to do their duty to their country and its sacred institutions. I lament, sir, sincerely lament, for the sake of all that is dear to us, that the corruption—corruption, sir, is the word—of the times does exist; but it is too true, it is engendered, it is sneaking through every avenue almost of the public service, it is undermining the constitution and the safety of the free Government which we derived from our fathers, and I glory in dragging it out from the darkness which it loves, and in exposing its "hideous front" in the full light of truth, to the astonished gaze of the honest and unsuspecting people of this nation! I will then leave the correction of it to them. They can create, and they can destroy. It is one of their virtuest hat their confidence in those whom they have trusted is not easily to be shaken; but when once deceived, once betrayed, their vengeance, their condign punishment is awful! I know they are honest, and will not tolerate corruption.

Sir, before I closed on the past evening, we had arrived at one most important fact, which the journal does not record, which was not before known, which I would that the history of my country in its very infancy had not to record, and which I must say has produced a most—*distinguished* anxiety.

We have arrived at the solemn fact—half admitted and fully proved—that, at the last session, the chairman of the Committee of Ways and Means [Mr. POLK] was informed and knew that the President of the United States desired an appropriation of three millions of dollars for military and naval service; that he never communicated it to his committee or to the House of Representatives; but whispered it, as a secret, to a few members in their seats, desiring them to "say nothing about" the fact that such was the desire of the President!

I call upon this House and this nation to witness this fact, stated, proved, and not here denied, but admitted. Here (striking his breast) is the accuser; there (pointing at the Speaker) and there (pointing at Mr. CAMBRELENG) are the accused! There are others (signifying Mr. V. B. and Mr. F.) who may be the guiltiest of the gang. The people are our judges; they are now sitting, and will judge righteously.

Why, sir, appoint a committee? The investigation is already made; here is the record evidence, (holding up the journal,) there are the oral witnesses, (pointing to Messrs. LEA and BUNCH;) and the truth necessary for a verdict and conviction, to the mind of any honest, impartial man, is already out. There is no necessity for the appointment of the committee asked for. The material facts, or some of them, are already before the House, and all of them, if I can bring them out, shall be before us here; and here, before the eyes of the world, they should be divulged. Sir, if a committee is appointed, it will be a "stocked pack." I will not consent to play with such cards! If a committee be appointed, there will certainly—we have got to that pass—be two reports, conflicting and diametrically opposite. No matter where truth, where justice lies, I say we know beforehand there will certainly be two reports. Committees are more used now-a-days to gloss over than to probe corruption. I have but little confidence in them. If they cannot report favorably to "the party," they will never report at all! Why appoint a committee, when here it has been charged, face to face, and fully proved, that the fortification bill of the last session was lost by the manoeuvring, with others, of a gentleman whose name reads in the journal—Churchill C. Cambreleng! When here it has been charged, and not denied—ay, if denied, fully proved—that the chairman of the Committee of Ways and Means, [JAMES K. POLK,] knowing the views of the Executive, but never communicating them to committee or House, did go round privately among members, and tell such as were friendly to the President that he wanted the grant of three millions, but not to say any thing about it! What need, then, I repeat, of a committee to ascertain what is already known? These facts have come out, and more must follow. Let them follow, one after another, in review here in this hall, and, if you are honest, you will gaze on the procession with indignation and alarm! No plastering committee in a shut chamber! Let the naked truth stand up here, to confront men in high places, no matter who they may be, charged with fraud and corruption.

I will never examine this subject any where else than in this House. And how was that three million amendment proposed? Sir, although it was apparently brought upon us suddenly, in the last hour of our existence, and although the House had no notice of it, at all events, not until the day before, yet now it seems that it had been for some time thought of in another quarter; that it was "in accordance with the views of the Executive;" that these views had been communicated to the chairman of the Committee of Ways and Means, [Mr. POLK,] and to the chairman of the Committee on Foreign Affairs, [Mr. CAMBRELENG,] who communicated them secretly to a few others. There was time then, sir, for all the estimates to be furnished. I know, and the gentleman [Mr. C.] will bear me witness, that he gave me notice, personally, some days before the 3d of March, that he intended to move an amendment for three millions, though I had no notice of its form, and much less had I notice that it was "in accordance even with the views of the Executive." I pledged myself to vote for it, from the information I possessed in

relation to our defenceless condition. A day, a single day, was sufficient time to furnish the estimates, from the numerous facts which lie in the way of every body, and especially for the Departments, which should always be ready with all information as to the condition of the country. It was known to you, Mr. Speaker, that the President thought this a proper and necessary appropriation, and that he desired it to be made. Why was this not made known officially to the committee and to the House? Why did not the President "give to Congress" this information, "and recommend to their consideration" this measure, which he judged "necessary and expedient?"

Sir, it is made the imperative duty of the President of the United States by the constitution: "He shall, [reading from the constitution,] from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." This is his duty, not by that permissive word "may," but by that imperative word "shall," and not at the beginning only of a session, but "from time to time;" at all times proper he is bound to do and perform this imperative duty. Now, sir, on the 3d of March, 1835, the last Congress had been twice in session, and in existence two years; and yet, at the beginning of neither session, and at no time whatever, had he ever intimated even that the "state of the Union" required an appropriation of three millions of dollars. He did not communicate any such "information" to this Congress! Was the Executive ignorant of the wretched condition of our means of defence? Did he not know the startling facts which I have already disclosed in relation to our fortifications, our ordnance, and our navy? I say, sir, they are too plain to be stumbled over by any body, and certainly the Departments should be the very sources of information on the subject. There was, however, a great deal of trouble in the wigwam last winter, when the rumors of war reached the guardians of our safety. How will it be if the tocsin of war be actually sounded? The President was not ignorant of our condition; an appropriation was necessary without a speck of war in the horizon, and his message to us this session is proof furnished by himself that he deemed that three millions amendment necessary and proper on the 3d of March, 1835, when he made no recommendation of the measure to Congress, save to you, sir, and you suppressed it; and, though our French relations are in a worse condition than then, he still made no recommendation of such an appropriation in that very message which says it was nine months ago in "accordance with the views of the Executive!"

A secret recommendation! What, in the name of the safety of this Government, was it to be kept secret for? Was the direction to keep it secret the direction of the President? Or was it the unauthorized direction of the chairman of the Committee of Ways and Means? [Mr. POLK.] This question should be answered; one or both must be guilty, and one [Mr. POLK] is guilty, whether the other is or not. Would the chairman have dared to withhold any item of the executive will which he was ordered to communicate? If he failed, he was guilty of a flagrant dereliction of duty to the Executive and his recommendation. And if he was ordered to "keep the will of the Executive secret," and did so, he was false to the House of Representatives, to the constitution, and the country, and betrayed his trust!

Sir, though the fortification bill had came to the House from the Senate days and weeks before the 3d of March, this three million amendment was kept back until the last hour. Was it intended to be hurried through by fear of the responsibility to refuse an appropriation for nominal defence, when there was no time to think, and scarcely time to act? Sir, I thought I had clearly excused myself for the vote I gave on this amendment; but late information, such as I have discovered and exposed to the House, makes it necessary for me to say I will swear on the holy evangelists that I never heard one word about the views of the Executive in relation to this three million appropriation until the message of the President to this Congress; and never did I know that the views of the Executive were kept secret until I obtained the written statement from my friend from Tennessee, [Mr. LEA,] which I got from him within the last forty-eight hours! I knew a day or so beforehand that such a proposition would be made, but I thought it would be made and was made on the responsibility of the chairman of the Committee on Foreign Affairs alone. I had such information as authorized me to vote for it—information which very few, if any, members besides had; for it was not until the 3d of March, after twelve o'clock at night, that I got in the report of the inspector of naval ordnance, which had never been communicated to Congress, though it had been lying in the office of the board of navy commissioners for near or quite eighteen months, through my honorable friend from Maryland, [Mr. W. C. JOHNSON,] who made the report on the national foundry. I say I knew the wretched condition of the navy and of fortifications, and I voted for that amendment under the impression that it was necessary for a state of peace as well as for a state of war. But did I know that none but a few select tools knew the real secret about it? Did I know that two chairmen of the highest committees knew the wishes and views of the Executive, and had concealed them except from a few as a secret? Did I dream that there was danger of this three millions becoming secret-service money? Sir, if I had known or suspected any thing like this, I would as soon have trampled this constitution, this work of our fathers, this guarantee of our liberties, under foot—have torn it into atoms, or thrown it into that fire—as I would have voted for that amendment, appropriating three millions of dollars for secret service? Both acts would have been equally sacrilegious, and would have done equal violence to the constitution and the country. But the secret was kept, and the House remained ignorant of what it was doing!

Permit me, sir, it is due to myself, to give you my impressions of this amendment at the time I voted for it. Its form was not such, I confess, as satisfied me; but in the short space I had to view it, I was led to a construction which reconciled me to vote for it. It is sufficient for my justification, that my impressions of it were honest at the time, though I do not pretend to say now whether my construction of it was right or wrong. There is no principle in the theory of our Government more vitally important, in my estimation, than the principle of specific appropriations. During the whole of the last Congress, I was constantly watchful to preserve that principle as sacred to the freedom of the constitution. It was jealously borne in mind by me when called on to vote for this amendment. I read it carefully. [Here Mr. WISE read the amendment.] In the usual language of appropriation, this sum of three millions was "to be expended, in whole or in part, under the direction of the President of the United States." I could not, or did not, at the time, regard this clause as extraordinary or improper, because I knew it merely recognised the distinct functions of Congress and the Executive. Congress, or rather, the legislative department, appropriates the public money, and, in all cases except that of the contingent fund of the two Houses and some other minor exceptions, the Executive applies the appropriation. From the foundation of the Government, the money appropriated by Congress has been "expended," with or without an express provision to that effect, "under the direction of the President," or some one of

the executive Departments. This, then, roused no fear, no suspicion. Again: this sum was to be expended for "the military and naval service."

This was, I thought, too general, too indefinite and latitudinous, if it had been alone, unrestrained and unqualified; but it struck me, at the moment, that it was limited, restrained, and made more specific, by the clause or phrase immediately succeeding, "including fortifications and ordnance, and increase of the navy." My construction then was that this three millions of the public money was to be appropriated for "that part of the military and naval service included under the heads of fortifications, ordnance, and increase of the navy." And knowing that three millions could well be expended on either object, that either fortifications, ordnance, or increase of the navy, would consume more than three millions, and that the whole sum would be very inadequate for all three objects, and not knowing which object might require most of the appropriation, I saw no objection to leaving a discretion in the application of the sum to these three objects, as they might require it to be expended, upon a principle similar to that which authorizes the transfer of a surplus of one fund to the deficiency of another fund appropriated. Such was my view of this part of the amendment, when it was proposed; it is certainly plausible, though I am now inclined to think it is erroneous. I now fear that something more was meant here than caught the eye of one who was called upon to vote so suddenly. The "proviso" of the amendment, which "provided such expenditures shall be rendered necessary for the defence of the country prior to the next meeting of Congress," I regarded, so far from being an extension of executive discretion in the application of the appropriation, as a limitation of that discretion, and as creating a responsibility on the Executive which would not have been imposed without it. If there had been no such proviso, the money would have been appropriated absolutely, to be expended absolutely, whether necessary or not; and it allowed not the President to judge of the necessity of expending the money for *offence*, but for the purposes merely of *defence*, and made him responsible for the exercise of a sound discretion, even in expending the appropriation for those purposes. This construction of that proviso I believe now to be correct; but I believe now that no tongue can tell how it may have been perverted! These views I expressed on the 3d of March, 1835, on the floor, and they were honestly entertained. The sum of money was trifling, compared with the objects of expenditure. I knew it would require ten millions for fortifications, ordnance, and the increase of the navy, considering the manner in which the money of the United States is squandered on our public works, or rather our public contractors. I thought the amendment not only innocent, but necessary, for peace as well as for war.

But now, sir, I should like to know, I have a right to inquire, whether the ingenious, ambiguous, doubtful wording of this amendment had any covert and treacherous meaning. If so, if this appropriation was for secret service money—if it was a man-trap, a Government-trap, I say, with all the energy of my soul, I say, the corruption, the treason, which set it, should be hurled from its high seat, whether that seat be in this House or the white house! If there was any thing foul, false, or fatal, intended by this trap, I am innocent! Was I duped? Was I imposed on? Is it not too bad that the House, or the Senate, should be charged with this individual fraud, and that those very persons who did the wrong, who are themselves guilty of this miserable trick of setting this Government-trap, should now be setting the Senate and the House by the ears for the responsibility of their own wrongs—that they should now be hissing on the quarrel, and chuckling in their sleeves at the success of their cunning device! I do contemn and abhor, I do denounce them and their devices! They are caught! Let them hang their heads, the guilty wretches, in eternal shame! Their guilt is established beyond all controversy by parol and record proof, and I here hold them up to the lash of an indignant people! Sir, when this statement [holding up Mr. LEA's written statement] was made to me within the last two days, I shuddered to think how near I may have been, innocently on my part, brought to aid in an unpardonable crime against my country! Would all the protestations of innocence, made with all the fervor of honest sincerity, have saved my humble name from the everlasting suspicion of being *particeps criminis?* Sir, if harm to the country was meant, it was the interposition of that Divine Providence which has ever watched over the destinies of this republic, to guard it from secret and open, foreign and domestic foes, and which "bringeth good out of evil," that the appropriation was not made. The coast remains unfortified; but better so than that our fortifications or our standing army should now be bristling with armament against our own liberties! Look upon what may have been the intention and the result. God Almighty may have sent an especial providence to prevent the bill from passing, to save the Government from ruin, and the names of innocent men from eternal obloquy and reproach. The gentleman from New York [Mr. CAMBRELENG] may set it down as one merit of his trick, of his intrigue, that it may have saved the Government. It succeeded to defeat the fortification bill, but prevented a much greater mischief, and it is now exposed. Yes, sir, from what is now known, the sins of that awful night, the 3d of March, 1835, may have saved the Government. We now know, Mr. Speaker, that you knew the President desired this immense appropriation, and that you kept it secret, and requested others to say nothing about it. I can conjecture no good object in keeping that secret. Can any gentleman give me a reason why the "views" and wishes of the Executive were not made known?

Sir, if a despotism is to be sprung upon us, for mercy's sake let it be known, that we may strike it down or escape from it! Let us see and know it is approaching, that we may stand and strike, or, like our fathers, "take the wings of the morning, and fly to the uttermost parts of the earth," to escape its iron grasp and find a home for the free! Do not give us a secret despotism! I pray God to save this country from a secret despotism! If there is an unpardonable political sin, it is the intent and overt act to bring about a secret despotism. I ask, why was so much secrecy in relation to the views of the Executive necessary? Was there more meant than was expressed by that amendment? I confess, sir, I am bewildered and amazed! The chairman of the Committee of Ways and Means covertly whispering the wish of the Executive to have placed at his disposal $3,000,000, and enjoining secrecy! I can conceive of no conduct so reprehensible, so odious, so abominable! Done, too, by "a member of the democratic republican party"—done by a representative of a free people! Sir, I was about to say that the Executive would not dare to impart a secret of that sort to any patriot in Congress: he, any man who loved his country, would have spurned the communication with indignant warmth, and have exposed it upon the spot! I beg pardon of my friend from Tennessee [Mr. LEA] for saying this so strongly, as he did not announce the fact as soon as he was told of it. I know, sir, he was honest, and I know the circumstances under which the secret was whispered into his ear. It no doubt did not strike him then as it strikes me now. Sir, if we are to have a despotism, I pray Heaven again it may come upon us in a bold and manly way. Let the man who is

to subdue our liberties come with the boldness of a Napoleon; let him, in the sight of all the people, put on the imperial purple and the crown! We will know then the worst, and can prepare the armor of our defence. I could admire whilst I should strike the tyrant of genius and brave ambition, who would attempt to seize upon our liberties by force. But, of all despotisms, that brought upon an unsuspecting people, a confiding, a generous, free people, through the pimps, imps, spies, tools, and pensioned trained bands of secret corruption, is the most loathsome, the most despicable, the most to be dreaded!

Sir, I remember well that when, that night, two of my colleagues [Messrs. GORDON and GHOLSON] warned us against trusting so much to the Executive, I, for one, denied that it was any "pitiful administration or anti-administration measure." I thought so in truth and honest sincerity. It was expressly denied by gentlemen of "the party," among the rest by a gentleman from North Carolina, [Mr. BYNUM,] that the President had called for this appropriation, and they contended that we had no right to infer that it was his wish. When I returned home to my good constituents, and was arraigned for voting three millions to the President to do with as he pleased, I vindicated myself most successfully from this charge of man-worship, by showing these very denials that it was the wish of the President to have this appropriation made. It was over and often repeated in your presence, Mr. Speaker, and in that of the chairman of the Committee on Foreign Affairs, [Mr. CAMBRELENG,] that the President did not call for the appropriation, and that no man, therefore, could be impeached for man-worship who voted for it. And it was as frequently asked whether we would appropriate so large a sum without a call from the President. You, sir, and the other gentleman, knew the secret, were present, and neither corrected the denials nor answered the inquiries! Sir, you permitted truth to fall in the streets. Knowing the secret, and not disclosing it, would have been bad enough; but knowing it, and keeping it confidentially—not disclosing it to but one or two individuals, that with the view, too, of obtaining their votes for the grant of the three millions, and enjoining secrecy upon them—is awfully alarming! The secrecy, I say, sir, implies some object in the amendment which is not expressed. What was that object? Were three millions wanted for a peace establishment? Certainly not, in the estimation of the Executive, or it would long ere then have been recommended. If for peace, he should have given us information at the previous session. Without doubt the President did not suddenly find out, on the last day of the last Congress, that three millions were wanting for a peace establishment. No, it was not for peace.

Was it for war? No. The House was unacquainted with any such object. It is true, I believe, the President was for war at the last Congress, and I do not know that he has alighted from his war horse yet. But, sir, if war was in the wind, the House was deceived, completely deceived, by the chairman of the Committee on Foreign Affairs, who but the day before withdrew his resolution upon French relations, declaring that "contingent preparation should be made for war." And here, sir, let me say to the gentleman from Massachusetts, [Mr. ADAMS,] that he could not have inferred from the resolution "to insist upon the execution of the treaty" with France, that preparation for war was necessary, because such an inference was precluded by the withdrawal of the express resolution to make contingent preparation for war. I ask, then, was the object of this amendment to make secret preparation for war? Did the chairman of the Committee on Foreign Affairs [Mr. CAMBRELENG] suppose that the resolution to make contingent preparation for war, which he withdrew, would be published in foreign journals as well as our own, and that, taken in connexion with the other resolution, to insist upon the execution of the treaty, the two would be regarded by France as a threat, when this amendment, thus clandestinely smuggled into an ordinary appropriation bill, would attract no notice at home or abroad, and we at the same time could attain the objects of the resolution which he withdrew?

If such was his policy, why did he not make it known to his committee, if not in debate, and let it be understood generally in the House? Is this to be the pretext? Were we to have a war in disguise? Were we to steal upon the enemy? Does it become a nation like this to put a dagger up sleeve, like an assassin? I protest against secret preparations for war, supported by secret appropriations! Would war have been now raging or not, Congress or no Congress, if that amendment had passed? Save me from the question!

But, for the objects of war or of peace, if the amendment had been in proper form, I put it to the members of the last Congress if there was any necessity for secrecy? Neither army nor navy was in a proper conditition for peace or for war, and the Departments had the best reason in the world for an honest and an open course. Sir, how much do you suppose the Secretary of the Navy now asks, as an additional appropriation, to put your navy in trim? Only $6,337,775! Well, sir, we were in no better condition, as I have shown you, on the 3d of March, 1835, than we are in now. There was then, I say, as this their own estimate shows, reason enough for a grant of supplies, which might have been honestly and openly stated to us. Why was not this estimate then made as it is now? I mean, sir, in a word, was there any object besides peace establishment for army and navy, or war, which was meant to be attained by the three millions amendment? I fear, sir, that a war upon the Treasury for the purpose of Government patronage, rather than a war upon France for honor or treaty, was meant then, and is meant now! Millions of your public money, which is appropriated for the public good, is, by some legerdermain, appropriated into the pockets of the pets of "the party." Your navy, for instance, since the last war, I am told, has cost you, sir, sixty-five millions of dollars, and for that sum you have got afloat, in commission, 1 ship of the line, 4 frigates, 11 sloops of war, and six smaller vessels! The United States has, I am told, sir, fourteen millions of property in the Pacific, round Cape Horn, one half of which—more than the whole amount of the French treaty—might be struck off at a blow by three French frigates; and you have on that station, I believe, one frigate and two sloops of war! Yes, sir, I have all along thought that it was high time we were making preparation. I thought so for two reasons: I knew we were not upon a respectable peace establishment, and I thought, what I think now, that war is not an improbable thing when General Jackson desires it. I therefore voted for the three millions, and more than ever am I for making preparation, when I fear that the question of peace or war depends upon one man alone—he has enough to do his bidding, here and elsewhere—and when I look at our strength compared with that of other nations.

Twenty million five hundred and fifty-two thousand dollars additional appropriation is required to give us our relative naval strength, compared with France and Great Britain. Five million five hundred thousand dollars per annum required for ten years, to attain and keep afloat such a force.

I think, sir, when we look upon this comparative statement, we cannot say to France, as did the wolf to the lamb in the fable: "'Tis crime enough that she cannot resist!"

The naval forces of the United States, France, and Great Britain, are:

In commission.	Ships of line.	Frigates.	Sloops of war.	Steamers.	Smaller vessels.
United States, -	1	4	11	0	6
France, -	6	16	39	4	59
Great Britain, -	10	15	73	13	53

Force afloat and building.	Ships of line.	Frigates.	Sloops of war.	Steamers.	Smaller vessels.
United States, -	11	14	14	1	6
France, -	57	64	88	23	120
Great Britain, -	129	128	96	26	166

And I think that this will show us, sir, that, if war was expected or intended, there was a strong necessity to commence preparations for war. Our own quarrel, our own weak state of preparation, and our enemy's strength, should long ago, say I, have admonished the watchful guardians of the nation to be making ready. They have been furiously charging upon others, upon the Senate of the last Congress, for not putting the country in a state of defence. And now, sir, if it can be shown that they are themselves the guiltiest of the guilty in this high offence, what shall be done with the culprits? Shall they not have the poisoned chalice returned to their own lips, which they have offered to others? Be it remembered, sir, that the Executive conducts our foreign relations—he has known the chance and dangers of war much better than we. Ay, sir, some developments we know were withheld from us. If the country should have been preparing for war, then should not the President have been making some recommendations of the kind? Should he not have been warning us to prepare? Where are the recommendations of the Executive, the estimates, the messages, the communications of the Departments, up to this very week of this session? None—no, not one! Was the President for war during the last session? When did he call, or intimate a call, for the defence of the country? Sir, will it be believed that the Secretary of the Navy has not this session, until this present week, furnished your Committee on Naval Affairs with the estimates, the ordinary estimates, of appropriation?

And here, sir, I must be permitted to vindicate the notable minority of eighteen? I intend to do that now—to mark facts hereafter as we go along, and note events as they occur; for I am now more than sufficiently admonished never to leave the defence of my acts in one Congress to any subsequent Congress which may follow. Yes, sir, no estimates were furnished the committee to which I belong by the Navy Department this winter, until they were kicked out of it. If it were so great a sin not to vote three millions additional for the increase of the navy last winter, is it no sin not to ask for one cent up to this time this winter? Sir, it will be recollected that, on the 11th of January, the honorable chairman of the Committee on Naval Affairs [Mr. JARVIS] introduced a resolution "that the Committee on Naval Affairs be instructed to inquire into the expediency of increasing the naval force in commission." I opposed that resolution, voted against it, and was thrown, by my good friends in this House, into a notable minority of eighteen. To vindicate that eighteen, and to exemplify fully the exact manoeuvre of the three millions amendment last session, sir, I must detail to you a short history of the facts of the case. Some time previous to the time when the resolution was offered by the honorable chairman, [Mr. JARVIS,] he and I were walking on that highway of the nation, Pennsylvania avenue. We met, sir, a distinguished member of the board of navy commissioners—a commodore—who shared in the naval fights and victories of the last war. We stopped to hold a conversation, in which that officer of the Navy Department frankly admitted that our navy required a large appropriation, a much larger appropriation than had been called for by the Secretary; and said that, "if we got into a war with France, we would be whipped for the first three years." "Well, sir," I replied, "if we are to be drubbed for that length of time, I think we had better take care not to get into the fight, or had better begin to prepare for it as soon as possible." He said, "after we were whipped for about that length of time, we would begin to get ready," and begged the honorable chairman and myself to have an eye to the necessities and wants of the navy.

Sir, I am willing to take all the responsibility which belongs to me, and sometimes more than belongs to me, in case of emergency. But I had begun to suspect, what I suspect still, that this French war is but a mere key to unlock the Treasury, and that Congress is to be made, through the cry of national defence, to take the responsibility of turning it, and opening the door for patronage. If the money should happen to be required, and the appropriation be popular, the praises all would be shouted to the Executive, who had not recommended it; and, if unnecessary and unpopular, the curses and the blame would be sure to fall on Congress. I, therefore, sir, was determined, so far as I could, to block the game—to make those who should, take the responsibility. I was willing, and am still, to vote for any reasonable appropriation, if called for, but I was determined to know what additional appropriation would be "in accordance with the views of the Executive," before the election of the next Congress? Accordingly, sir, it was proposed in the Committee on Naval Affairs to inquire of the Secretary of the Navy whether any additional appropriation for the increase of the navy was required. This inquiry was directed to be made by our honorable chairman, [Mr. JARVIS,] some time before he offered his resolution of the 11th instant, and was then pending. No answer had been returned to the Committee on Naval Affairs, though it seems now an answer had been given to the honorable chairman. Now, sir, when the honorable chairman offered that resolution, will it be believed that he knew, for answer from the Secretary, that he (the Secretary) had declined to answer the inquiry of the committee? When the honorable chairman offered that resolution, sir, he did not state that his committee had already inquired, and could not get an answer. I did not know then, though a member of the committee, that our inquiry had been refused an answer, and thought it was still pending. If still pending, I thought the resolution supererogatory. To ascertain whether our inquiry had been answered, it will be recollected that I attempted to ask a question of the honorable chairman before I opposed his resolution; that question was, whether the inquiry, on the very same subject of the resolution which we had already anticipated, had been answered by the Department? And I hope it is still remembered by th

House how I was prevented from obtaining the answer which I desired from the honorable chairman. I asked the question; the chairman was rising to answer, when the Speaker asked, "Does the gentleman from Virginia yield the floor?" "Yes, to have his question answered by the gentleman from Maine," [Mr. JARVIS.] The question was repeated, and again and again interrupted by the Speaker in the same way, until I gave up, sir, in despair, the attempt to obtain the answer which was so necessary for the correct information of the House. It was the first time since I have been a member, sir, that I ever saw a gentleman thus interrupted and positively prevented from obtaining an answer to an inquiry for information courteously put to a member in his seat.

But, sir, I can confirm a remark which was made the other day, that the Speaker may, if he will, by many tricks upon order, and courtesy too, exercise undue powers over the proceedings of this body. So it was; an honest inquiry was, it seemed to me designedly, stifled in the case which I put. The answer was not obtained, which, if it had been obtained, I flatter myself there would have been apparently either no necessity for the resolution of the honorable chairman, or there would have been no minority of 18. The resolution passed with a vote in the affirmative of 164. And what then did the Committee on Naval Affairs do? How "inquire into the expediency of increasing the naval force in commission," without going right back to the Department, which had already once refused to answer the very same inquiry? We did order a written inquiry to be immediately directed to the Secretary, which is now answered by a written communication, but which also, I am told, would not have been answered, but for a circumstance and an influence which I am not authorized to name. Yes, sir, the answer has at last come, and what does it disclose? Why, that the Department does want more than six millions for the navy alone! The Department of War also has, within this week, crept out of its shell, and called for more than five millions! Eleven millions now, instead of three, actually wanted, and if wanted now, was wanting on the 3d of March, 1835, and no call, no recommendation, no estimates, until almost this very moment! Now, sir, does this need comment? Has there not been clearly an attempt to shuffle off responsibility on Congress? Is it not a plain case that "the party" and its Departments have been longing wishfully for a full sweep at the public coffers, but they wanted you and I to take out the money for them? If we refuse, the cry is raised, "You are against defending the country; the next step for you is to join the enemy!"

Sir, I will not put my hand into the Treasury of the people until I know specifically for what their money is to be expended. Why, sir, even after the House had adopted the resolution to inquire, and before an answer, by some new mode of appropriating, the Committee of Ways and Means, to ensure relief to the Secretary, I suppose, reported an increase of two millions to the ordinary navy bill, voluntarily, and without any call or information from the Department, for aught we know! Sir, this mode of voluntarily appropriating enormous sums, without message, without estimates, without recommendation, or information, or responsibility, on the part of the Executive, other than in expending them, will soon corrupt the Government, and make Congress but the mere tool of the Executive! And now, sir, what judgment shall be passed upon this same Secretary of the Navy, who admits now, by his own showing, that more than six millions additional are, and have been all the time, required for the "increase of the navy," and who yet has never made any recommendation whatever, either to this or the last Congress, except for two frigates, three sloops of war, and four steam-vessels, which was meant as an increase to the peace establishment only, up to this week of this session? Will the gentleman from Kentucky [Mr. HAWES] now embrace him in his mortification and regret, and hand him over to the executioner for not defending the country?

Sir, my distinguished friend from South Carolina [Mr. THOMPSON] told the gentleman from New York [Mr. CAMBRELENG] the other day, that "it is the fashion of 'the party' not to shrink from responsibility." My honorable friend has convinced me that he is a most excellent judge of men and things, but he was mistaken that time. No, sir! General Jackson, in perfect accordance with his high-toned independence of mind and action, assumes responsibility, but "the party" shrinks, and skulks, and dodges, in fear and trembling! When Jupiter shakes the empyrean heights, all the gods tremble! When Jackson frowns and stamps his foot, rises in his majesty, and says "I take the responsibility!" all the sycophants of "the party" quake with fear! Witness the deposite question. When the President went forth in doubtful contest against the bank, there was a "little man" who trembled from his hair to his heels, [here some one said he had no hair,] right, sir, his head is bald--from the crown, then, of his head to the sole of his foot. His knees smote together with fright during the battle, but the moment the victory was achieved, out sprang the Lilliputian from behind the Old Hero, and strutted, hectoring over the dead body of the monster monopoly! So it was, sir, with that very three millions amendment. I have no doubt the President was independent and honest enough to have recommended it boldly, but "the party" leaders kept the recommendation secret; and when the sum was reduced so low as to disappoint the Old Hero, and to rouse his wrath to veto the bill, "the party" were manoeuvring, and dodging, and whispering, and cutting, and shuffling through the Capitol, and sending billets, to change the responsibility of the failure of the fortification bill from the President to the Senate! That is the secret. Sir, when it is found that any measure will succeed and aggrandize the "little man," then "the party" will take the responsibility--not before. So it was this very session with this same Secretary of our Navy. If there had been no responsibility, no popularity to risk in recommending six millions for the increase of the navy, the service would not now be suffering for appropriations. But, Mr. Speaker, there is a certain class of men who, put them where you will, in any situation in life, will piddle—I mean old bachelors! I never will henceforth support any man for the presidency who will appoint a bachelor to any office of honor or profit, and especially of responsibility. An old bachelor, sir, is a "withered fig tree"--he is a "*vis inertia!*" Old bachelors are too near akin to old maids!

Sir, when the Executive desires an appropriation, if he will "give me the information of the state of the Union," which he is bound to give, and show me that the public good requires it, and how and for what it is to be made, I, for one, will never be niggardly in voting supplies. The Naval Committee has already, without recommendation from the Executive, or instructions from this House, of its own motion, inquired into the expediency of increased appropriations. My policy and views are the same as when I voted for the three millions amendment. If war is to come, I fear only the consequences of being unprepared. We have the sinews of war, and should apply them in time. With an overflowing Treasury, and a quarrel with France to settle, I would have voted liberally the supplies asked for, but until now none have been called for. I am for peace--peace! for the sake of peace! But, if war must come, we must be ready. Since the rejection of the most conciliatory overture of compromise, unless there be a mediation of some sort, I cannot see how war is to

be avoided. France will not strike, but she will not pay the money. We will not explain, it seems; and, having the cause of war on our part, we cannot remain inactive. But, sir, I do not mean to say I am for war, or to discuss that question at all. I only mean now to say that I shall not take part with France against the President, much less will I against the Congress of the United States. I shall go for my country, "right or wrong." And, sir, as I would not—I am sure the President will agree with me in this, for he knows all about the sport--pit a game chicken without his gaffs on, I might, perhaps, a dominico, just to see him killed--much less would I send out our old ships, which have whipped the proudest of England's navy, to fight Frenchmen, without batteries complete, and the gallant sons of our army and navy, without swords and buckler, and mail of triple steel! But, sir, I must have the recommendation, the estimates, the data, and there must be no juggling! Let the Executive come forward and recommend what is to be done. I will rely chiefly upon his knowledge of the wars. He should have come forward last session. We must have communications from the Departments. They know of the necessity, of which we are ignorant. Even the "fourth department" of the Government, the Globe, has been furnished with more information than has been given to us, to whom it is all, all, without reservation, due. If war does depend upon the will of one man, he will have enough to do his bidding, to vote when he bids them vote, to be silent when he bids them; in short, to say "ay or no," as he may prompt.

Sir, I must hereafter—I have been bitten once by low party tricks and chicanery, practised to put an immense sum at the secret service of "the party"--I say I must hereafter know to a certainty that an appropriation is to be applied to the purposes of national defence, and not of electioneering, before I vote for it. Every man in the Government is now authorized and franked to electioneer, from Indian agents and postmasters up to the President. We now have a President electioneering for his successor, and it is time the nation was told of it with the voice of a trumpet! Sir, since the publication of that letter of outrageous dictation and of justification of "the Government patronage in conflict with the purity of elections;" that letter to a member of the Tennessee Legislature, which appears in the Government official, and is there not only justified but lauded, claiming the right to employ all his constitutional powers to expunge a resolution of one branch of Congress, and the right to interfere with the independence of State and Federal Legislatures, I feel constrained, by the love I bear my country, to "cry aloud and spare not!" Sir, I wish to see the public mind concentrated on these facts.

But to return from this digression. The three millions amendment passed; and, after a disagreement, the Senate adhered. Was it disrespectful to adhere? The gentleman from Massachusetts, [Mr. ADAMS,] who I thought was "in a stew" all that dreadful night, seems now to have a holy horror of the word "adhere." I understood the Senate, sir, as strongly asserting only the doctrine of specific appropriation; not as dissenting from the ordinary items of the bill, and not as objecting to a reasonable amount of additional appropriation formally enacted. The Senate, sir, did not know the secrets! And shall the Senators—among the rest an honored Senator from Tennessee, [Mr. WHITE,] who knows his duty generally as well as any man without being told, who was once trusted by the President first of any, and deserves now to be trusted with his confidence more than all his present friends, who, when he was in confidence, kept it honorably, and the confidence itself was honorable and patriotic--shall they, shall he, be accused and condemned for not knowing without hearing the Executive secret? Shall he be required to know without being told—to vote without knowing why? Why, sir, the service is hard enough to do the sovereign will and good pleasure of potentates when the bidding comes loud and authoritatively, and that Senator is not one who is likely to obey orders from any power but that of his own people and their Legislature; but to do the will of his master without bidding, and to know that will without being told, is too much to expect of any slave. If this is a sin, I hope, sir, that he and his friends will ever have to plead guilty. Sir, the Senate knew no "why or wherefore" whatever for the passage of that amendment--they were taken by surprise--they respectfully disagreed. The House refused to recede, and insisted. The gentleman from Massachusetts [Mr. ADAMS] voted to recede from the three millions amendment, and yet yesterday he asserted that any one "who would refuse to vote for that amendment had but one other step to take, and that step would be to join the enemy and assist in battering down the walls of the Capitol."

[Mr. ADAMS here rose to explain. He had made no personal allusion, he said, to any member of this Congress, nor to any individual member of the last Congress. He had personified a sentiment, and his remarks were applied to that personification.]

Mr. WISE. I am glad to stand corrected; I quoted the language in order to be put right. "The personification of a sentiment!" I see it, sir; I can give it form, size, color--a skin, muscle, bone, and sinew. I can make it a palpable man, whose cranium the phrenologists would mark as very intellectual. I understand now that this is a Massachusetts war, and it is not for me, sir, to meddle with it. If I understand the gentleman's explanation for receding, it was to prevent the loss of the bill; and yet, sir, when the House was for adhering, did he not adhere too? [Mr. ADAMS shook his head.] So it is: the gentleman did vote for once, twice, to recede. Generally, if any man ever does adhere, adhere, and adhere, it is he. I voted for the amendment, and adhered to it throughout. I was not in the secret. I was on the verge of a precipice, and I might have had to thank the gentleman from Massachusetts [Mr. ADAMS] for a vote which might have saved me from an awful plunge into error.

When the House asked for a conference, the Senate readily agreed, and appointed conferees on its part. The conferees of the two Houses agreed on reducing the appropriation from three millions to eight hundred thousand dollars, and on making it more specific. And I now again ask the honorable gentleman from New York, [Mr. CAMBRELENG,] the chairman of the conferees of the House, whether, when he left the conference, after agreement to report, he did not intend to report? Why did he not report? Sir, I said yesterday there were two conjectures. I say now there are three modes of accounting for the failure of the honorable gentleman's intention. One is, that the report failed because of a word in the ear, whispered by two high functionaries between the conference-room and that door, [pointing to the door next to the Speaker's room,] or the gentleman's seat in the House. Were there not two such "busybodies" in the way of duty to report? Another is, sir, that there was a special communication, a billetdoux, handed to the honorable gentleman, [Mr. CAMBRELENG,] in his seat, after he came in from the conference. Was there such a billet, and what was its purport? A third is, that there was a special visit, in person, from a certain distinguished Senator of "the party," [Mr. S—— W——t, Jr.] What did he say? Was not the burden of all three, the whisper, the billet, and the special messenger—(the Senator stooped low from his high degree, to become a runner between the two Houses)—that the conferees of the

House had done wrong to agree to reduce the sum? That eight hundred thousand dollars was a "poor, pitiful sum," which would not satisfy the President? That the President had risen up in wrath, and sworn that he would veto the bill, because the Senate had refused the whole grant of three millions, and that they should be made to bear the loss of the whole bill? Did not the intrigue then assume a double aspect of policy, to ward off from the President the responsibility of vetoing the bill which he had sworn to veto, and to throw the responsibility and odium of the failure of the bill on the Senate? This was the abominable game; it was too bad to juggle us first out of our independence of legislation, and then out of our character! There are five high witnesses to attest these acts, if a committee be appointed to inquire, who may be called on. You may go to the first, second, third, fourth, and fifth highest officers of your Government; and, sir, I should like to see them thoroughly cross-examined. We have had a most important fact disclosed lately. The secret journal of the Senate has been opened, and a certain endorsement of its Clerk has been exposed. Now, sir, that Secretary of the Senate is a most excellent, good, and pious man, with a high and due sense of propriety. He would be cautious to endorse nothing which was not only true, but proper to be endorsed. But I must ask if all was endorsed which was said? I could not shut my ears, sir, to the rumors which passed from seat to seat that awful night. Suppose the Senate did send a message to the Executive that night, rejecting a certain nomination; and suppose, in reply, the President had told the Secretary, "I will receive no further communication from the d——d rascals; the Senate is defunct!" I am sure, sir, such an answer would have been undignified and unbecoming, and that the Secretary's strict sense of propriety, and of what was due to the President and to the Senate, would have prevented him from endorsing all that was said. And yet this committee, if raised, and it inquire faithfully, may bring out many such facts.

Sir, I repeat that there was no disposition on the part of the Senate or the House to defeat the fortification bill of last session. Both Houses did their duty, and both are now equally interested to guard against such interference for the future as actually prevented both Houses, though ready and willing, from doing their duty. Yes, sir; the gentleman from Kentucky [Mr. R. M. JOHNSON] challenged me, at the beginning of this session, to specify acts of executive intermeddling or interference with the independence of the legislation of Congress. I gave him, sir, one pretty strong case; but here is one still stronger. None could be stronger. On the last night of the last Congress, both Houses of Congress, I assert, and have proved, were not only ready and willing, but anxiously endeavoring, to pass a law which the President himself says, and which I admit, was very important to the public interests, with large majorities in each in favor of the law, and the two Houses agreeing, by special conference; and they could not and did not get the bill through, in consequence of the minions and pimps of the Executive tampering with their tools in the House of Representatives!

Now, sir, if the gentleman wants a stronger case than that, I cannot imagine it. I know such was the fact; and though all "the Government" should swear to the contrary, I should know and believe the fact until the day of my death. Is it to be borne, that some twenty or thirty of a trained band shall, by reducing us below a quorum, reduce a majority of both Houses of Congress below the foot of the Executive? Shall we be thus interrupted in our business by "a fragment" of "the party," doing the bidding of their idol? Is this an administration of the Government in the spirit and letter of the constitution, which makes the legislative department independent of the Executive, and intends that it shall be a check upon the Executive? Will the people suffer this monstrous violence to the theory and practice of their Government? Oh! that I could raise my voice to a pitch of remonstrance which could go forth throughout this land; which could reach every hamlet, every home, and every heart of the people; which could speak, trumpet-tongued, to every man who has in his bosom a spark of the spirit of the free! I would rouse a resistance to this misrule, this corruption, this patricide of "the party," which would soon determine whether the many or the few shall rule the destinies of this republic!

Sir, the whole mass of power which is conferred by the constitution on all the departments of this Government is nearly as great as the whole power of any Government of any civilized people. But the theory of our Government so distributes this power among different branches or departments as to check and counterbalance, restrain and control each other mutually. Power with us is so neutralized to do harm, and so well poised to do good, in the theory of our constitution, that the Government was made free at the same time it was made efficient. But, sir, the practice of the Government has of late so perverted the theory of the constitution, that, through corruption, we are fast becoming bound hand and foot, and a single department is absorbing the whole mass of power. The principle of "the party" is now warring upon one of the cardinal principles of the constitution, to keep separate, distinct, and independent, the legislative and the executive departments. That principle, without which this Government cannot remain free, is totally undermined by the policy of parties to elect legislators to support—that is, to do the will of—Presidents! Is there no jealousy of the Executive left? No *esprit de corps* in Congress? Gone! gone!

Sir, I must remind the House that on the Cumberland road bill there were 174 members present and voting. That the very next vote there was—no quorum.

Here Mr. WISE read a list of the names of members who voted on the Cumberland road bill, and did not vote on the next vote, or Moore and Letcher resolution. There were 66 in number. Of these, Van Buren men, 50; opposition and for White, 16.

On the Cumberland road bill there were 174 votes. Of these there were, Van Buren men, 87; opposition and for White, 87.

Parties were equal on that vote. On the Letcher resolution there were 113 votes. Van Buren men, 33; opposition and for White, 80.

Can this extraordinary desertion of Van Buren men be accounted for but upon the supposition of design? And, too, when it was known they were nearly all present in the House? While the opposition and White men had retained their numbers to 7, there was a falling off of Van Buren men of 54!—54 out of 87! While the opposition and White men continued in their places, giving their votes until the close of the session, the Van Buren men did not again, except a small minority, answer to their names.

On Mr. Jarvis's motion to adjourn, there were 118 votes. Van Buren men, 41; opposition and for White, 77.

On Mr. Carmichael's motion to adjourn, there were 111 votes. Van Buren men, 39; opposition and for White, 72.

Is not the conclusion irresistible that the chairman of the Committee on Foreign Affairs [Mr. CAMBRELENG] might, at any moment after his return from the conference, until the adjournment of the House, by a nod or a whisper, have summoned from their hiding places a quorum, and saved the loss of the fortification bill? Would not Roderick's men have risen up at the whistle? Does not the gentleman from New York know that he might at any time have had a quorum? Did he exert

himself to get a quorum? Did he not, and did not you, Mr. Speaker, busily endeavor to persuade members who had conscientious scruples not to vote to make a quorum? Did not Churchill C. Cambreleng protest, by speech on the floor, (see Globe of the 5th of March, 1835,) against the right to compel members to answer the call for a quorum, when he all the time was voting himself? Did not Mr. Barringer, of North Carolina, charge the intrigue at the time, and offer to specify names? Was not Abijah Mann, jr., of New York, who refused to vote on every question from the last quorum to the adjournment, sitting in the House calling for the yeas and nays, when attempts would be made to get along without a call? Did not Mr. Barringer tell him he had no right to call for yeas and nays, as he said he was no longer a member? and did he not claim to be as much a member as any body? Having pledged himself to vote for the Letcher resolution, did he not inform Mr. Letcher he could not then vote for it? And did not Letcher reply, "I knew the Van Buren colts would slip their bridles!" When Samuel Beardsley refused to vote, did not the honorable gentleman from Tennessee [Mr. LEA] move to expel him from the House? But there were nearly 150 members who actually voted upon the three calls of yeas and nays after 12 o'clock at night. Different squads would come in and vote at different times! The leaders--oh, yes! the leaders—were all present: were they not here, of course? That was one finesse, and the other was to march and countermarch the followers, so as that each one might claim to have voted. But the proof is positive that there was a quorum actually voting after the Cumberland road bill and 12 o'clock, to the last, but voting at different times! My name is among the number of those who voted on the Cumberland road bill, and I failed to vote twice afterwards. Mr. Gilmer's conduct struck me, and I hesitated to vote until I was satisfied by my colleague, [Mr. MERCER,] and when I saw the miserable, infernal game which was playing, I would have voted at all hazards, and did vote, as the journals will show, on the last vote of the session, to help to make a quorum, and against adjournment! And now, sir, what shall we say to these men of the immaculate--the only patriotic men—who would not for the world have had the fortification bill to fail? Shall they not have meted out to them that measure of vituperation which they have meted to the Senate? Shall they not now be hunted down with the furies and scorpions of abuse, not only for failing to do a duty which was unpardonable in the Senate, but for a knowingly wilful false accusation? Hurrah for such patriots! They are for national defence! Oh, shame! Oh, honesty! Oh, truth!

Sir, the gentlemen have got into a hornet's nest by troubling—impudently gasconading about the failure of that bill. They are bitten by their own dogs! Oh, yes! the hour had come for their beautiful trick. I would ask the gentleman from Massachusetts [Mr. ADAMS] if he never signed bills after 12 o'clock at night on the last night of a session, when he was President? Sir, I can prove by the manuscript minutes of your Clerk that there was a quorum in the House. Here is a book, the title of which is "Twenty-third Congress, 2d Session—Minutes of the House of Representatives." In this book we find this entry on Tuesday, March the 3d, when the main question was taken on the resolution to compensate Robert P. Letcher: "Ayes 113; noes 3. No quorum--many members declined to answer, though standing at the Clerk's desk, because it was supposed to be past 12 o'clock." Only seven members were wanting then, but three afterwards, to make a quorum, and many members declined to answer! Sir, there was a quorum, and a quorum at the command of "the party." Let it never hereafter be denied.

[Mr. WISE then gave a summary and review of material facts.]

Sir, what caused the Senate to send us that message which I deem so respectful, and which the gentleman from Massachusetts [Mr. ADAMS] deems was so insolent? The Senate was warned of treachery! When that special messenger, that Senator, was seen dodging in and out--he was no ghost, sir; if one, he is a very red-faced ghost, he is a cogniac-looking ghost! [Here Mr. WISE paused, and glanced his eye around, to see him in the hall.] The Senate, sir, was warned of treachery. They then reminded the House of the report of the conference. What less could that body do to defend itself from the Machiavelian plot against it? Was there such a spectacle ever exhibited in this Capitol before, as a trap set for one branch of Congress? This message called out the jesuitical excuse that the hour had come—there was no quorum--"sorry, regretted very much, but the Senate must take the responsibility!"—immediately the plot revealed itself! Sir, I hope that condition of things, and this exposure, will stand a solitary warning to "the party" not to jeopard again the interests of the country, by its low, servile tricks of corruption! "The party" wished to say, by resolution, in reply, that we had finished our business, when this bill was untouched. Hour after hour had the Senate politely waited for this fortification bill to be sent to them for their concurrence, and Mr. F. O. J. Smith moved to say to them—"we have completed our business!" And at last, sir, the House did ignobly adjourn without completing its business, including this bill. Sir, I have not to take back one word of what I said yesterday about the adjournment of the last Congress. Except on one solitary question I shall ever think of the last House of Representatives with disgust. We had a President at the last session bent, I think, on war! The House was subservient, succumbing and servile to his wishes on every other question but that. The temper and the example of the House on that question were noble, and worthy of imitation for all time to come. The gentleman from Massachusetts may well claim it as one of the brightest achievements of his civil career, that he united us unanimously in one of the noblest sentiments which ever actuated the patriot—however divided amongst ourselves, in our own household as brothers, to present an undivided front to a foreign foe! We acted wisely and temperately. And, sir, the real secret is, the reason the Committee on Foreign Affairs did not report sooner, not until the last moment, and then in the form of that three millions amendment, was, that the chairman [Mr. CAMBRELENG] dared not report counter to the sense of the people on the one side, or to the sense of the President on the other! When we act wisely, though counter to the President, the praise redounds to the Executive; and when any thing wrong is done, no matter by whom, the Senate is now-a-days made the scapegoat to bear all the sins of "the party" to which they are so much opposed!

Before I conclude, sir, permit me to reply briefly to the gentleman from Massachusetts, [Mr. ADAMS.] That gentleman protests, with great emphasis, against the accusation of sycophancy and man-worship to General Jackson? We have fallen upon strange times. The times have monstrously changed, and some of us have changed with them. I am frequently at a loss, sir, to determine which side of the question that gentleman is on. At the last session he made one speech for war, another for peace, another for war again; and, at last, I thought, was about right. It has lately been said, and I believe he authorized it by a letter to the gentleman from Rhode Island, [Mr. PEARCE,] that he has changed his politics once more in his latter days. If so, sir, I shall be glad of it; for he has had the

fortune always, I believe, to prostrate his own friends. I shall rejoice, sir, for another, the best evidence to Virginia, North Carolina, Georgia, and all the democratic States—all the old democratic party—where the old federal States and the old Hartford-convention federalists are rallying! I believe no man knows his own kind better than the honorable gentleman from Massachusetts, and I know there is a great change, somehow or other, in the old Jackson party. Sir, a new-fangled democracy has sprung up, and renegado federalists, of whom it has been said that "they haunted the graves of such men as Hamilton and Jay like vampyres," are now among the present democrats in the land.

The gentleman says his object in introducing this resolution is to arrive at truth, and to produce harmony between the two Houses of Congress. Sir, I fear his means will defeat his ends. He will, by this resolution, re-animate and arm the dead Hector, once, he says, dragged around the walls of this Capitol by the victorious Achilles. Instead of an inquiry after truth, the business of this committee will be to arraign the Senate of the United States, and to break down that body, which cannot stand much longer. It has withstood already more than I thought it could bear, and I will not consent to apply another catapult to its walls. The gentleman will find himself mistaken. Instead of harmony, he will array House against House, and the legislative department, divided against itself, must fall. The policy of the Executive, when it means to consolidate all power in itself, will ever be to divide and conquer. I will not aid the Executive against Congress. Instead of being united here, to a man, against encroachments of the Executive, it seems we are to be made ourselves the instruments and the tools of executive aggrandizement. Will there never be any peace in the land until every institution is prostrated to that one? I hope the gentleman does not mean to enlist us in this fatal and unprecedented war upon the Senate. Sir, if I differed as widely as the poles from the Senate on subjects of past differences, I would now, in these fearful times of consolidating all power in the Executive, endeavor to become reconciled to that body, and to meet it on common grounds of peace and harmony and united action. Behold the spectacle of the two Houses of Congress wrangling, to the destruction of each other, upon the point of dispute which failed to do the sovereign will and good pleasure of the Executive, which will and good pleasure was never graciously made known to either. Would that be the Congress which our fathers created by the constitution to be watchful and jealous of executive power? They created us to be a check, to preserve the equilibrium of power, and we are to quarrel about which shall yield most to a department which at best is but co-ordinate! I say, sir, such a Congress as some would make us is not the Congress which the founders of our Government intended; and, when we yield our jealous independence, the Congress of the constitution will be dead, dead, dead! With the power of appointing the Judiciary to decide upon laws, and with the power of controlling, by the bribes of appointment, the legislators who are to enact the laws, the President, if he will abuse his trusts, is omnipotent, and the Government is consolidated in the Executive. Oh! that I could inspire my fellow-members of this House, and the whole American people, to rise up in time against excessive executive power! The time has come when every man, in private life and in public, when the high and the low, the rich and the poor, should meet together for the safety of the Government. Whilst that is at stake, let us conciliate and cheer each other, and say—It is not you of the Senate, nor you of the House of Representatives, who have sinned so grievously against the country, its laws, its constitution, and the spirit of its institutions, but you, the minions of the Executive!

Sir, I denounce the attempt to charge the loss of the fortification bill upon the Senate, on the part of those who make it, knowing it to be false, to be a base fraud and imposition upon the country!

SATURDAY, JANUARY 23.

LOSS OF THE FORTIFICATION BILL.

The House resumed the consideration of the resolution yesterday offered by Mr. J. Q. ADAMS:

Resolved, That so much of the message of the President of the United States to Congress at the commencement of the present session as relates to the failure, at the last session of Congress, of the bill containing the ordinary appropriations for fortifications, be referred to a select committee, with instructions to inquire into, and report to the House, the causes and circumstances of the failure of the bill.

The question being on the motion of Mr. WILLIAMS, of North Carolina, to amend, by adding "with power to send for persons and papers"—

Mr. WISE resumed and concluded the remarks commenced by him yesterday, as given entire in preceding pages.

Mr. CAMBRELENG rose and remarked that he had not half so much to say as had been said by the gentleman from Virginia, and he was not disposed, at this late hour, to say any thing. But, with the indulgence of the House, he would take an opportunity to correct some extraordinary mistakes into which the gentleman from Virginia had fallen. His object was, however, not so much to reply to the gentleman from Virginia, as to reach a gentleman who began this war upon him at the last session. In what the gentleman from Virginia had stated there was no novelty. He had brought forward nothing which had not been published in every opposition paper in the Union, for the last six months. He would promise the House to exhibit to them a document published in the city of Philadelphia, while a certain Senator was in that city, after the close of the last session, which would prove unequivocally the falsehood of the charges made against him. Mr. C. repeated that his object was to reach that Senator. This much of his purpose he would announce. He should shrink from no responsibility, and wished to disguise no facts. He should vindicate himself from the charges made against him, and bring his argument to this conclusion: "Let the galled jade wince, my withers are unwrung." With a view to embrace the first opportunity which might be afforded to him to address the House, he now moved that the House adjourn.

The House then adjourned.

MONDAY, JANUARY 25.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. ADAMS presented the petition of one hundred and seven females, residing in his congressional district, praying the abolition of slavery and the slave trade in the District of Columbia.

Mr. HAMMOND addressed the Chair.

Mr. ADAMS. I claim the floor, and shall not yield it. I move that the petition be referred to a select committee, with instructions.

Mr. GLASCOCK hoped that the gentleman would not—

Mr. ADAMS. I call to order.

The CHAIR said that the gentleman from Massachusetts was entitled to the floor. The petition which the gentleman proposed to present was still in his possession.

Mr. ADAMS moved that the petition be received; and was proceeding to discuss the propriety of its reception, when

Mr. HARDIN rose to a question of order. It was not in order, in his estimation, to discuss the motion of the gentleman at this time. The order of business now seemed to be, first, prayers, then the journal was read, and afterwards, on almost every morning, the gentleman from Massachusetts [Mr. ADAMS] made a speech.

The SPEAKER said that the gentleman from Massachusetts had made a motion to receive a petition, and was proceeding to discuss that motion. The Chair had heretofore decided that it was competent to do so. The gentleman was therefore not out of order.

Mr. CRAIG appealed from the decision of the Chair.

Mr. ADAMS inquired if this appeal was not identical with the one which was pending on his motion?

The SPEAKER replied in the affirmative.

Mr. EVANS asked for the yeas and nays on the appeal; which were ordered.

The SPEAKER stated the question. The Chair decided that it was competent, under the rules, upon a motion to receive a petition, to discuss the propriety of its reception at the time it was offered; the 45th rule not applying to a petition not in the possession of the House.

Mr. C. JOHNSON moved to postpone the question of order, and the matters connected with it, until Saturday next. His object was to enable members to present petitions.

After a few remarks by Mr. HARDIN,

Mr. WHITTLESEY moved to amend the motion by substituting Monday next for Saturday.

Mr. HARPER was opposed to a postponement. He was prepared to vote upon the appeal at this time.

Mr. REED suggested that the subject should be postponed until Tuesday week.

Mr. WHITTLESEY accepted the suggestion as a modification of his motion.

Mr. C. JOHNSON then modified his motion so as to postpone the appeal, &c., until Tuesday week.

Mr. MILLER thought the sooner the question upon the appeal was decided the better; he therefore moved the previous question, the effect of which, he understood, would be a direct vote upon the appeal from the decision of the Chair.

The previous question was seconded, 85 to 73.

Mr. MERCER asked for the yeas and nays on ordering the main question to be put; which were refused; and the House decided that the question should be put without a count.

The question, Shall the decision of the Chair stand as the judgment of the House? was decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Anthony, Ash, Banks, Barton, Beale, Bean, Bockee, Boon, Bovee, Boyd, Bunch, Bynum, John Calhoon, William B. Calhoun, Cambreleng, Campbell, Carr, Carter, Casey, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Corwin, Cramer, Cushman, Darlington, Davis, Deberry, Dickerson, Dromgoole, Fairfield, Farlin, Fowler, French, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Grantland, Griffin, Haley, Hamer, Hammond, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Hiester, Holsey, Hopkins, Howard, Hubley, Huntington, Hunstman, Ingersoll, Ingham, Jabez Jackson, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Lane, Lansing, Lawler, Joshua Lee, Luke Lea, Leonard, Logan, Loyall, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McComas, McKay, McKeon, McKim, McLene, Miller, Montgomery, Morgan, Morris, Muhlenberg, Owens, Page, Parks, Patterson, Dutee J. Pearce, James A. Pearce, Pettigrew, Phelps, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Seymour, Shields, Shinn, Smith, Spangler, Standefer, Storer, Taylor, Thomas, John Thomson, Waddy Thompson, Toucey, Towns, Turrill, Underwood, Wagener, Ward, Wardwell, Weeks, White, Whittlesey, Lewis Williams—142.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Bell, Bond, Briggs, Brown, George Chambers, John Chambers, Childs, Clark, Craig, Denny, Evans, Everett, Philo C. Fuller, Granger, Graves, Grayson, Grennell, Hiland Hall, Hannegan, Hard, Hardin, Harper, Hazeltine, Hoar, Howell, Hunt, William Jackson, Janes, Laporte, Lawrence, Lay, Lincoln, Lucas, Samson Mason, McCarty, McKennan, Mercer, Moore, Parker, Franklin Pierce, Peyton, Phillips, Reed, Rencher, Robertson, Russell, Schenck, William B. Shepard, Augustine H. Shepperd, Slade, Sloane, Steele, Taliaferro, Vanderpoel, Vinton, Sherrod Williams—59.

Mr. ADAMS said he was glad the question had been at last decided. By the decision, every member of the House, having a petition to present, is authorized to debate, as long as he shall think proper, the question of reception, whether on slavery or any other subject. He had heretofore endeavored to keep a discussion of the question out of the House, and should not now take up the time of the House longer than to state the reasons why he had moved the reference of the petition to a select committee. Mr. A. said his special reason was that the petition just presented came from his own immediate constituents. Heretofore, until the present session, he had never received but one single petition from his own immediate constituents, and that one signed by but very few, because it was well known, from the time that he presented the fifteen petitions from citizens of the Commonwealth of Pennsylvania, that he should not support the prayer of such petitions. But since the commencement of the present Congress, he had received one or two petitions from his own constituents, and the one which he had offered to the House was endorsed "The within petition of the ladies of Marshfield, Massachusetts, is committed to the hands of JOHN QUINCY ADAMS, with a request that he shall present it, and further its object." Mr. A. said he was requested to present it, and from a portion of his constituents from whom every deference was due; he meant from ladies. It was sent to him not only with the request that he should present it to the House, but that he should further its object. He wished the petition received and referred to a select committee, but if referred to the Committee on the District of Columbia, he would be satisfied; but he wished it referred to a committee, which would make a report that would satisfy the petitioners that their prayer ought not to be granted. He begged of those who could command a majority in the House, and who were as unwilling as he was to make the abolition question a stumblingblock, to take a course which would treat the petitions with respect; to examine and present, with the utmost force, the reasons which should justify the House in not granting the prayer of the petitioners.

He believed that to be the best course to effect the desired object. He believed it to be the true course to let error be tolerated, to grant freedom of speech, and freedom of the press, and apply reason to put it down. He had no sort of doubt but that a committee of the House could furnish reasons why the prayer of these petitions should not be granted, which would satisfy every reasonable and humane individual in the country. He begged the majority of the House, North and South,

to consider whether it was not most just and likely to sooth and compose the feelings of the people of the country. It appeared to him that would be the proper course, and that it would be an easy matter to show why the prayer of the petitioners should not be granted.

The Speaker of the House had the appointment of the committees of the House, and he came from that portion of the country which was most deeply interested against the prayer of the petitioners, and he must be permitted to say, that portion which must be of one opinion, and cannot, dare not, express any other opinion. The Speaker had already appointed the Committee on the District of Columbia, the chairman of which and a majority of members were also from that portion of the Union. If the Speaker of the House appoints a special committee, he will appoint such committee as he shall think best suited to give sound and solid reasons for the refusal of the House to grant the prayer of the petitioners. That would leave the right of petition unimpaired, and still secured to the House. No abolitionists, nor any person favorable to the views of the petitioners, could plead that this destroyed the right of petition. He hoped, for the peace and harmony of the community, and for the peace and harmony of the House, that the petition might be received. He hoped that the sacred right of petition would remain unimpaired, and that nothing appearing to conflict with that right would be the course of the House. These were the reasons why he moved that the petition be received.

Mr. MILLER concurred very fully in the views expressed by the gentleman from Massachusetts. When petitions of this character were first presented, he was of opinion that there were two modes in which they might be disposed of. The first was to lay them on the table without debate; and if this course was not deemed advisable by a majority of the House, then that they should be referred. If the present course was persevered in, it would preclude the presentation of every other petition during the day set apart for the presentation of petitions. Besides, resolutions were pending involving the whole subject. Under this view, and to enable other gentlemen to present their petitions, he moved to lay the preliminary question of the reception of the petition on the table.

Mr. McKENNAN asked for the yeas and nays; which were not ordered.

The motion to lay the preliminary question on the table was agreed to.

Mr. JENIFER, of Maryland, attended and was qualified.

Mr. ADAMS presented a petition from 160 or 170 citizens of western Pennsylvania, praying the abolition of slavery and the slave trade in the District of Columbia; which he moved be received.

Mr. GLASCOCK said he had hoped that gentlemen would have paused before they proceeded to introduce other petitions of the same character, particularly after the vote which had just been taken, and also when it was known that a similar petition had been made the order of the day for Saturday next, and that the resolutions embracing the whole subject-matter were in the possession of the House, and would soon be finally acted on. To press these petitions now, under circumstances like these, seemed to him to be intended to produce excitement, and wound the feelings of the southern members.

The SPEAKER reminded the gentleman that it was not in order to impugn the motives of any member of the House.

Mr. GLASCOCK said his remark was a general one.

Mr. HARDIN rose to a question of order. He understood the gentleman to present a petition from citizens of the State of Pennsylvania; and as the rule required the States to be called in their order, he did not think the gentleman from Massachusetts was in order. If this principle were carried out, Mr. H. could hand all his papers to a member from Maine, and thus get a preference.

The CHAIR said the rule was not limited to petitions and memorials from the State from which the member presenting one came. Every member had a right to present the petition of any citizen from another State.

Mr. GLASCOCK again appealed to gentlemen charged with these petitions to withhold them, at least for the present, and to wait the result of the resolutions he had just referred to. As the gentleman from Massachusetts (said Mr. G.) has thought proper again to speak of the sacred right of petition, and to urge that not to receive a petition was an encroachment upon that right, and a violation of the first amendment of the constitution, the latter part of which declares "that Congress shall pass no law to prevent the right of the people peaceably to assemble and petition the Government for a redress of grievances," he felt it his duty, situated as he was, having made a motion to that effect some days since, to offer a few remarks in reply. Mr. G. said he hoped he would be pardoned for again repeating and saying, once for all, that he had as high a regard for the right of petition as any member on that floor; but, in admitting this, he must observe, he had an equal regard for the rights and privileges secured to every member under the rules and regulations adopted for our government. Sir, (said Mr. G.,) I feel a perfect conviction, from the slight investigation which I have been enabled to give this subject, that we have a clear constitutional right not to receive a petition; and, in doing so, we violate no part of that instrument to which gentlemen have so frequently referred; nor do we encroach upon any of those rights intended to be secured under it. I hold (said Mr. G.) that whenever any portion of our fellow-citizens peaceably assemble and petition Congress for a redress of grievances, and those petitions are presented, and their contents briefly stated, as required by one of our rules, that moment, if not before, all the rights intended to be secured to the citizens, were secured and fully complied with; and it then devolves on this House to dispose of them as may seem just and proper, in conformity to its rules; which would be, not to receive, to reject after receiving, or to refer it to some select or standing committee, or lay it on the table, dependent entirely upon the will of a majority.

Mr. G. emphatically asked, what is the question now presented for consideration? It is this: "shall the petition be received?" It cannot now be denied, nay, it is admitted on all hands, that the question is a proper one. Yes, sir, it grows out of the very motion made by the gentleman himself, on presenting his last petition, which was that "the petition be received." This brings me, sir, to an important feature, necessarily involved in the discussion; and I shall proceed to show that Mr. Jefferson, the great and illustrious statesman, whose knowledge and experience of all parliamentary rules and regulations have never been questioned, and whose Manual is at this day looked upon and recognised as a text book, and adopted by all legislative bodies and deliberative assemblies throughout the Union for their government, and particularly by the Congress of the United States, holds, and so lays it down in his remarks which follow the 45th rule: "That regularly a motion for receiving a petition must be made and seconded, and a question put whether it shall be received;" and it is in accordance with his views, thus expressed, that the question is now presented, and must always be presented, on the presentation of a petition, if there be any objections to its reception. This (said Mr. G.) he understood to be the uniform practice of this House, and was strictly adhered to in the Senate. If this principle be estab-

lished, away with all constitutional scruples and objections. They can avail no one; for all who knew the justly-styled sage of Monticello, must know that, in expounding constitutional questions, if he had an equal, he had no superior. Sir, (said Mr. G.,) Mr. Jefferson was a strict constructionist, and would have been amongst the last to have incorporated into the rules of this House any question, a decision of which would violate that constitution which he held so dear and sacred; and, with great deference to the opinions of others, he looked upon it as a reflection upon his memory even to suppose it. Had he considered that not to receive a petition was to deprive the citizens of this country of the right of petition, a right intended to be secured to them under the clause of the constitution to which he had referred, would he not have ingrafted into the rules, or, in commenting upon them, have declared that all petitions must be received, emanating from the people peaceably assembling and petitioning for a redress of grievances? The inference, (said Mr. G.,) to his mind, was irresistible, and he honestly believed all would come to the same conclusion upon mature reflection. That Mr. Jefferson had an eye single to the constitution at the time he prepared his Manual, he had never doubted; and even if he had, he should have been satisfied of the fact upon reading a sentence from the preface of his work, in which he states, "That he considered the law of the proceedings of the Senate as composed of the precepts of the constitution," &c. Let it not be forgotten that Mr. Jefferson, as Vice President of the United States, presided over that body for years, from which time to the present period, the question, "Shall the petition be received?" has been recognised and considered as a proper one, and not conflicting with any feature of our constitution, or why should it be retained? why, permit me to ask, has it not been erased from the rules? or why are we permitted, by recording our votes in the negative on the present question, to violate it, as gentlemen say it will be? Sir, (said Mr. G.,) if it be unconstitutional not to receive a petition, we should not for a moment permit by a rule, or by the practice of this House, any question to be propounded, the result of which would lead to its violation. For himself, he had no scruples on the subject. This question being adopted and considered by Mr. Jefferson as a proper one, left him no ground on which even to doubt; and he felt no disposition to look for higher authority to sustain him in the views he had taken, or to justify him in the course which he had pursued in relation to these petitions. But he could not conclude his remarks on this branch of the subject, without referring with pride and pleasure to a vote given by two distinguished Senators from his own State, as late as the year 1805, against the reception of a petition from sundry citizens of the State of Pennsylvania, (from whence this petition now comes,) "pleading the cause of their degraded and oppressed fellowmen of the African race," as they were pleased to term them; and, on the question to receive the petition, I find the names of those great and good men, James Jackson and Abraham Baldwin, recorded in the negative, and in whose veins purer streams of honor, patriotism, and virtue, never flowed; and who were men as devotedly attached to the principles of the constitution as ever lived, and as watchful of the rights of their fellow-citizens, and on whom it may be truly said, the affections of their people were concentrated. This vote was given, too, at a time when there was but little excitement compared with the excitement of the present day; there was at that period but few abolition societies in the country, no presses established for the printing and circulating incendiary pamphlets, no one was then in the employ of those societies freely to circulate them throughout the land, as they are now, to effect their objects, and to produce consequences most awful in their character. Who (said Mr. G.) does not behold the contrast, and who from the South will not exclaim, if it were right then to reject those petitions, it was imperiously their duty to reject them now. God forbid that any of us should falter in the present contest.

A few remarks (said Mr. G.) relative to those petitions, and he would conclude the argument, which he regretted he was forced to enter into in consequence of their introduction. He had taken some pains to look into these petitions, with a view to judge of their character, and of the language used by the applicants; and he felt bound to state that, of the great number which had been crowded upon us, he scarcely read one which was not highly disrespectful and libellous upon the whole South, and especially those who are owners of slaves. How can it be expected, under such a state of things, that we can pursue a different course than to vote against a reception of each and all of them, as they are presented. For himself, he felt bound to do it; and in doing so it was in perfect accordance with his own feelings, and he confidently believed it would be in accordance with the feelings of those whom he had the honor in part to represent. Be this, however, as it may, he should continue to discharge, fearlessly, what he conceived to be his duty, which was to stamp these petitions, (coming from whatever quarter they may,) with the seal of reprobation, and treat them with the just indignation they merit; and he should continue to do this, regardless of all consequences and of all political considerations.

Mr. G. said he had long since determined not to go into a general discussion of the merits of slavery, for no new lights could be shed upon it; but whenever it became necessary to act upon the resolutions of the gentleman from Maine, he might again feel it his duty to address the House on the constitutional question as to the right of Congress interfering with the subject in this District. Until then he should endeavor to remain silent, and for the present would no longer trespass on the patience of the House.

Mr. MILLER said he would make one more effort to arrest this debate at this time. He moved to lay the preliminary question on the table.

Mr. GRANGER asked for the yeas and nays; which were ordered, and were as follows:

YEAS—Messrs. Chilton Allan, Ash, Ashley, Barton, Beale, Bean, Bockee, Bond, Bovee, Boyd, Brown, Bunch, Bynum, Cambreleng, Campbell, Carr, Casey, Chaney, Chapman, Chapin, N. H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Crane, Cushman, Davis, Deberry, Dickerson, Dromgoole, Efner, Fairfield, Farlin, French, Fry, W. K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Grantland, Grayson, Griffin, Haley, Hamer, Hammond, Hannegan, Hardin, Albert G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubley, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Jenifer, Joseph Johnson, R. M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kinnard, Lane, Lansing, Laporte, Lawler, Gideon Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Samson Mason, Maury, May, McCarty, McComas, McKay, McKeon, McKim, McLene, Mercer, Miller, Milligan, Montgomery, Morgan, Owens, Page, Parks, Patterson, F. Pierce, Pettigrew, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Smith, Spangler, Standefer, Storer, Sutherland, Taliaferro, Taylor, John Thomson, Toucey, Towns, Turrill, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Washington, Web-

ster, Weeks, White, Lewis Williams, Sherrod Williams—149.

NAYS—Messrs. Adams, Heman Allen, Banks, Borden, Briggs, William B. Calhoun, George Chambers, John Chambers, Childs, Clark, Corwin, Cushing, Darlington, Denny, Evans, Everett, Fowler, Philo C. Fuller, Granger, Grennell, Hiland Hall, Hard, Harper, Hazeltine, Henderson, Hiester, Hoar, Howell, William Jackson, Janes, Kilgore, Lawrence, Lay, Lincoln, McKennan, Morris, Parker, Dutee J. Pearce, Peyton, Phillips, Reed, Russell, Slade, Sprague, Whittlesey—45.

So the preliminary question was laid on the table.

Mr. ADAMS presented the petition of four hundred citizens of Indiana and Westmoreland counties, State of Pennsylvania, praying the abolition of slavery and the slave trade in the District of Columbia. The petitioners were unknown to him, and the motives which had induced them to request him to present their petitions he knew not. He had from time to time stated that he was opposed to the prayer of similar petitions. He was also unacquainted with any of the persons whose names appeared upon the petition which he this day presented from his own district. He had no agency in procuring either of the petitions to be sent to him. It was perhaps done in consequence of his declaration that he would present any petition sent to him for that purpose from citizens of the United States, couched in respectful language. This he should continue to do, and he should not scan very closely the particular language used by petitioners.

If objection to the reception of these petitions was placed upon the ground that the language was disrespectful, as was intimated by the gentleman from Georgia, [Mr. GLASCOCK,] that objection should be entered on the journal. If the people should be apprized that this was the objection, there would be petitions enough sent here, where no objection of this sort could be urged. Indeed it would be difficult to use language on this subject which would be deemed respectful by slaveholders. Congress had declared the slave trade, when carried on out of the United States, piracy. He was opposed to that act, because he did not think it proper that this traffic without our boundaries should be called piracy, while there was no constitutional right to interdict it within our borders. It was not only not considered piracy, but it was carried on in sight of the windows of the Capitol. Mr. A. referred in strong terms to the evils of the domestic slave trade, and concluded by assuring the House that, whatever might be the character of the resolutions which might be passed, if it should he declared that Congress did not possess the power under the constitution to abolish slavery and the slave trade, he should still feel it to be his duty to present every petition on the subject which might come to his hands, upon the fundamental principle that the House had no right to take away or abridge the constitutional right of petition.

Mr. MANN, of New York, said he should make no such promises as were made by the gentleman from Massachusetts, to trouble the House a few moments, and make a speech of half an hour. He wished to make a single remark or two, however they might be spun out. The gentleman said he saw, in the motion made by him, [Mr. MANN,] the other day, to postpone the consideration of the question of order, "a cat in a meal tub," and he saw a great many things besides. Mr. M. said, so far as he himself was concerned, he could assure the gentleman that on his (Mr. M's) part, and so far as he knew the opinions of his colleagues, there was no indisposition whatever on their part to meet that question distinctly and fairly, as well as every other appertaining to this subject, and to give their votes and opinions, not only to that House, but to the country. He well remembered that, at the commencement of the session, the gentleman from Massachusetts most distinctly, and with great emphasis, declared that every speech made in that House would be, to all intents and purposes, an abolition pamphlet, to be sent into the southern States. The gentleman had also professed to be opposed to that portion of his constituents who desired to agitate this subject; and yet the gentleman himself had taken occasion, upon every petition he brought there on this subject to append an abolition speech to it. Mr. M. left it to the gentleman himself, to that House, and to his constituents, to decide how far the remarks of the gentleman, at that early day of the session, were consistent with the gentleman's subsequent course. Why, this matter might be carried on to an indefinite extent. The gentleman had seen the disposition manifested on every occasion; he had seen the votes in regard to laying the motion to receive on the table; he had seen the action of the House, not only by ayes and noes, but by all its various forms. Mr. M. would therefore add his simple, his most humble request to the gentleman, that he would not be quite so zealous to perform the duties he felt so constitutionally incumbent upon him on every Monday morning, until either the House should manifest a disposition to "dodge the question," or to decide and vote upon it.

As to the right of petition, Mr. M. agreed, in general, with the venerable gentleman from Massachusetts. He should vote, whenever called upon to vote there, to sustain that constitutional right. Mr. M. had no disguises on that subject. He had never voted against that right, and never should. But why bring this subject there every day, every hour, after the decisions that had been given there again and again? Was not the gentleman satisfied? Had not the votes of that morning satisfied him? He trusted it was not necessary to reiterate those decisions.

Mr. ADAMS said, as the gentleman's discourse appeared to have been addressed to him, he would—— not trouble the House with any reply.

Mr. TURRILL moved to lay the preliminary motion on receiving on the table; which was agreed to.

Mr. CUSHING said he was charged with three petitions of a similar character, from sundry citizens of Massachusetts, and moved the preliminary question upon one of them, that the petition be received. Mr. C. was proceeding to state the contents of the petition, and to eulogize the subscribers to it.

Mr. HOWARD raised the question of order, whether the motion could be debated.

The SPEAKER said by the decision of the House it could, but he would put the question whether its acceptance was objected to.

Mr. HAMMOND objected.

Mr. CUSHING then said: This petition prays for the abolition of slavery, and the slave trade, in this District. It is respectful in its terms, being free from the offensive expressions and reflections contained in some of the petitions on the same subject, heretofore presented. It is signed by inhabitants of Haverhill, in the State of Massachusetts; and among the subscribers are the names of citizens of that State whom I personally know, whom I avouch to be highly respectable, and who, whether mistaken or not in their views, are assuredly actuated by conscientious motives of civil and religious principle. They are constituents of mine. They have transmitted to me the petition, desiring me, as their Representative, to present it. And, under these circumstances, much as I have deprecated such a commission, and reluctant as I am to be instrumental in the introduction of any matter of excitement upon this floor, I cannot permit myself to hesitate in the discharge of this painful duty, believing, as I do, that it is the constitutional right of every American, be he high or be he low, be he fanatic

or be he philosopher, to come here with his grievances, and to be heard upon his petition by this House.

These petitioners look to me to obtain them a hearing in this place. They have a right to require this office of me; they have, in my judgment, a right to be heard; and so long as I have the honor to hold a seat in this House, no constituent of mine, however humble his condition or unwelcome his prayer, shall see his petition thrust back in his face unheard, while the gift of reason or speech remains to me; for if it cannot be received and considered in the usual forms of legislation, it shall be heard through the lips of his Representative. Nor will I undertake to scan, over-captiously, either the object of his petition or the language in which it is couched. Nor will I stop to inquire how far the petitioners and I myself entertain the same opinions of the general subject-matter. And there are particular inducements which impel me to make a stand at the present moment upon this petition.

I declare and protest (said Mr. C.) in advance, that I do not intend, at this time at least, to be drawn or driven into the question of slavery, in either of its subdivisions or forms. At home, I am known to be of those who long ago foresaw and early withstood the coming of this anti-slavery agitation. Of the many occasions when I have actively interposed in this behalf, I hope to be pardoned for distinctly citing one, as vesting in me some title to be candidly heard by the House. I allude to a published address upon the slave question, in which I deliberately asserted the constitutional rights of the South in this matter. It shall be my aim, on this occasion, to do and say nothing inconsistent with myself, with the letter of the constitution, or with the spirit of the various compromises of interest and opinion incorporated into the Union of these States.

The members of this House have been frequently called, during the present session, to vote upon divisions connected with petitions of this nature. On those occasions I have been content to pronounce my vote simply, and without explanation, leaving my reasons and motives to be construed or misconstrued by others, as chance might order. To have continued so to do until the subject of present controversy were finally disposed of, is the part I should altogether have chosen, had circumstances permitted me to such a course. But, if I have been a silent, I have not been an incurious, nor, I trust, an uninstructed spectator of events. It is rendered apparent that those great matters, which occupy the public mind abroad, do now occupy also this House. If other gentlemen, differing with me in part or in whole, had voted without discussion, according to the dictates of their individual judgment, each of us could fairly have stood upon his personal convictions, and his personal estimation elsewhere, for his justification in the eyes of his countrymen. But that, much as it were in my view to be desired, is no longer possible. What has happened here is enrolled already in the unchangeable records of time and eternity. It is become history. It cannot be recalled; it cannot be blotted from the memory; it cannot be expunged from the annals of the country. The winged words uttered in this House have gone forth to the world, on their mission of good or of evil. Debate we have; debate we must have; we are goaded into debate; it is forced upon us; and from a quarter of the Union whence, I am frank to say, I did not look for it to come; and forced upon us in terms of dictation which I cannot brook, since they leave to me no alternative of escape from debate, but in the passive surrender of some of the dearest of our birthrights, those of free petition, free speech, and free conscience. I say, of free speech and free conscience, both which are involved in the resolutions moved some time since by a gentleman from Maine, [Mr. JARVIS.] When these resolutions shall be distinctly before the House, it will become its members to reflect whether they have the constitutional right to attempt, or, attempting, have the power to enforce, what those resolutions seem to contemplate—a perpetual prohibition of debate, and even of motions, upon a large and comprehensive class of subjects. These rights, neither my constituents nor I myself feel disposed to surrender; and upon one of these great liberties of the land, and for the sake of incidentally vindicating the others, I shall, in due time, address the House at length.

My only object, at this time, is to come to a fair understanding with the House, as to the course to be pursued in the debate, and the disposition it will make of these petitions.

At a very early period of the session, a gentleman from South Carolina, [Mr. HAMMOND,] met such petitions with the motion that they be not received. All the debates which ensued thereon terminated in evasive and unsatisfactory votes for laying on the table, which left every question of principle unsettled.

Afterwards, on a similar objection to reception being made by a gentleman from Georgia, [Mr. GLASCOCK,] my colleague [Mr. ADAMS] appealed from a ruling of the Speaker on an incidental point of order; which appeal, and the matters connected with it, have been put off, day after day, and week after week, and still remain suspended for some future time of consideration.

Then came a set of resolutions applicable to a part of the prayer of these petitions, moved by a gentleman from Maine, [Mr. JARVIS,] under which there is a debate in progress, on an amendment moved by a gentleman from Virginia, [Mr. WISE,] to the effect that Congress have no power granted by the constitution to legislate on the subject of slavery in this District.

Finally, on the last occasion when petitions of this kind were presented, the question of reception being raised, that question was, by vote of the House, laid on the table, as happened this morning in the case of those petitions presented by my colleague, [Mr. ADAMS,] the operation of which is, practically, to refuse to receive the petitions.

Now, I am wholly dissatisfied with this course of proceeding, and I cannot submit to it in regard to the petitions which I am charged to present. I hold that the question of reception, as it is in fact and of necessity the first in order of time, so is it the first in order of principle. It must not be pushed aside to make place for the discussion of speculative resolutions, or for debate on the merits of the question raised by the prayer of these petitions. I maintain that the House is bound by the constitution to receive the petitions; after which, it will take such method of deciding upon them as reason and principle shall dictate. It should first lend an attentive and respectful ear to the prayer of the people. Whether it can or will grant that prayer is an after consideration. I have already kept back for several weeks the petitions committed to me, in order to shape my course according to the deliberate decision of the House; but that decision does not come; it is continually procrastinated for the sake of considering questions which, in my view, are secondary in time and in principle to the question of reception; and I can no longer consent that these my constituents shall be held waiting, as it were, at the doors of the Capitol for admission, when, as I read the constitution, they have a right to demand immediate entrance, and to be respectfully received by their assembled representatives.

I tender to the House, therefore, an alternative. I place this petition at their disposal. If they choose to fix absolutely on a time certain for considering and deciding the question of reception, so that this shall take precedence of the other debate, they will then have this day, as usual, for its appropriate business of the

general presentation of petitions. But if they decide, as heretofore, to lay the question of reception on the table, then I shall feel myself constrained to take the floor upon another of these petitions, and keep it, as under a late decision of the House I have a right to do, until I have fully debated the whole subject-matter. If the effect of this shall be to exclude all other petitions for the day, I cannot help it. Be the responsibility on their heads who raise this novel and extraordinary question of reception, going to the unconstitutional abridgement, as I conceive, of the great right of petition inherent in the people of the United States.

[The question, "Shall this petition be received?" was then, at the motion of a gentleman from South Carolina, [Mr. HAMMOND,] laid on the table; when Mr. CUSHING resumed the floor and said:]

I now present to the House a petition signed by inhabitants of Amesbury, in the State of Massachusetts, among the subscribers to which are persons whom I know, and avouch to be citizens of the United States. They pray for the abolition of slavery and the slave trade in the District of Columbia, and in the Territories under the jurisdiction of the United States. I make the preliminary motion that it be received; and upon that motion I proceed to express my views to the House.

Steering clear of all the inflammable matter intruded into these debates, gauging myself to the standard of the most absolute moderation, and resolutely tying down my thoughts to the real point in issue, what I propose to examine is the single naked question of the constitutional right of petition, as involved in the disposition of these petitions.

Looking into the constitution, I find, among the amendments proposed by the Congress of 1789, and in the very first of the number, the following article:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

Long before I had imagined that such a right would ever be called in question, I remember to have read the remark of a distinguished jurist and magistrate of the State of Virginia, (Tucker's Notes on Blackstone,) complaining that the concluding words of the clause I have cited from the constitution did not so strongly guard the great right of petition as the liberties of the people demanded. On the other hand, a still more distinguished jurist and magistrate of my own State, (Story's Commentaries,) in remarking upon the same article, expresses the opinion that it is ample in terms; because, he adds, "it (the right of petition) results from the very nature of the structure and institutions of a republican Government: it is impossible that it should be practically denied until the spirit of liberty had wholly disappeared, and the people had become so servile and debased as to be unfit to exercise any of the privileges of freemen." These eminent constitutional lawyers agreed in opinion of the importance of the provision; they differed only in thinking, the one that the right of petition could not be too clearly defined; the other that, whether defectively defined or not in the letter, the people would take care that it should in spirit be faithfully observed. While the first entertained a wise jealousy of the encroachments of the people's representatives, the other looked for the protection of the public rights to the people themselves, the masters of the people's representatives. And as the fears of the former have been verified too speedily, I trust that the hopes of the latter will not be less truly realized.

There are some things in the context and phraseology of this article of the constitution, which may deserve attention. It speaks of "grievances," in the general; not "their grievances," the personal grievances of the individuals petitioning, but any thing, public or personal, which they deem to be a grievance. It is the same article which allows to us the free exercise of our religion, and the liberty of speech and of the press. With these primary and fundamental rights of a free people, it associates the right of petition. But there is this peculiarity in the language of this clause of the constitution. The words applicable to our subject are, "Congress shall make no law abridging the right of the people to petition the Government for a redress of grievances." The right of petition, therefore, is not a privilege conferred by the constitution. It is recognised as a pre-existing right, already possessed by the people, which they still reserve to themselves, and which Congress shall not so much as touch with the weight of a finger. The people, in their constitution, say to Congress, We place in your hands our right and power of collecting a revenue to provide for the common defence and general welfare of the Union; our right and power to regulate commerce, to coin money, to declare war, and to raise and support armies and navies for its prosecution. Upon these and other subjects you may exercise the discretion which we repose in you by virtue of our constitution. But this you shall not do: you shall not, until after the expiration of twenty years, prohibit the migration or importation of such persons as we think proper to admit; you shall not pass any bill of attainder; you shall not lay any tax or duty on exports; and you shall make no law prohibiting the free exercise of religion, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for a redress of grievances. These, our great natural rights, we keep to ourselves; we will not have them tampered with; respecting them, we give to you no commission whatsoever. And rights which Congress itself, the entire Legislature, consisting of the President, the Senate, and the House, acting in their combined functions in the enactment of a law, is forbidden to abridge, can this House alone undertake, by a mere resolution or vote, practically to deny, abolish, and destroy? Sir, if we can successfully do it, I have greatly misconceived the democratic ancestry, the democratic principles, and the democratic energy, of the people whom we are appointed to serve in this House.

The right of petition, I have said, was not conferred on the people by the constitution, but was a pre-existing right, reserved by the people out of the grants of power made to Congress. To understand its nature and extent, we must, therefore, look beyond and behind the constitution, into the anterior political history of the country.

And, in the first place, I beg of the House, and especially of the gentlemen who so ably represent Virginia on this floor, to remember how this article found its way into the constitution.

You well know, sir, that when the constitution was submitted to the people of the respective States for their adoption or rejection, it awakened the warmest debate in the several State conventions. Some of them, in accepting the proposed plan of government, coupled their acceptance with a recommendation of various additions to the constitution, which they deemed essential to the preservation of the rights of the States or of the people. The Commonwealth of Massachusetts insisted, among other things, on the adoption of that memorable amendment, to the effect "that it be explicitly declared that all powers not expressly delegated by the aforesaid constitution, are reserved to the several States, to be by them exercised." Having attained this object, and thus clearly ascertained what powers it was that she parted with to the Federal Government, she felt less

anxious in regard to some things which, in other States, were deemed important. Especially, she did not, for herself, demand the insertion of those general clauses of political doctrine, popularly called, at that time, after the celebrated English bill of rights, and known in some modern European constitutions by the name of guarantees. She was less tenacious on this point, inasmuch as her own constitution was very full in this respect. It contained two clauses material to the present question, in the following words:

"All power residing originally in the people, and being derived from them, the several magistrates and officers of Government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents."

"The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives; and to request of the legislative body, by the way of address, petition, or remonstrance, redress of the wrongs done them, and of the grievances they suffer."

These clauses being in her own constitution, I say, and it being understood by her that all powers not granted to the United States were reserved to the States, she felt that she was safe in agreeing to the fundamental compact of the Union.

The people and Commonwealth of Virginia reasoned differently from this; and I will not stop to argue whether they did or did not reason more wisely than Massachusetts. They said, We choose to leave nothing doubtful which language can render certain in a matter of so much moment. We are laying the foundations of a Government, which we hope may outlast they pyramids. We know, from old experience, that the depositaries of the popular power are ingenious in the finding of glosses and interpretations to abstract from the popular rights. Let us see to it that this constitution contain such express recognition of the rights of the people, as it shall be impossible to misunderstand. We will write upon its very front the great doctrines of liberty, in characters of light, which, like the burning letters in the banqueting-hall of Belshazzar, may blast the eye-balls of whomever shall meditate treason to the democratic rights we have conquered with our blood and our fortunes. Accordingly, the convention of Virginia proposed to amend the constitution by inserting therein the following, among other clauses:

"That all power is naturally vested in, and consequently derived from, the people; that magistrates, therefore, are their trustees and agents, and at all times amenable to them."

"That the people have a right peaceably to assemble together to consult for the common good, or to instruct their representatives; and that every freeman has a right to petition the Legislature for a redress of grievances."

New York, North Carolina, and Rhode Island, proposed, either literally or in substance, the same provision; and the consequence was, the addition to the constitution of the article which I am now discussing, on the right of conscience, speech, and petition. And such being the history of this clause, I look to the gentlemen from Virginia especially, constant and honorable as they are in their attachment to constitutional principles at whatever hazard, to go with me in maintaining inviolate this great original right of the people.

But we shall not fully appreciate the force and value of this provision, if we stop at this point of the investigation. The right of petition is an old undoubted household right of the blood of England, which runs in our veins. When we fled from the oppressions of Kings and Parliaments in Europe, to found this great republic in America, we brought with us the laws and the liberties which formed a part of our heritage as Britons. We brought with us the idea and the form of our legislative assemblies, composed of elected representatives of the people; we brought with us the right of petition, as the necessary incident of such institutions. For where, in the whole history of our father-land, has the right of petition ever undergone debate and question? Go back to the old parliamentary rolls, coeval with magna charta; peruse the black-letter volumes in which the early laws and practices of the English monarchy are seen to be recorded; and, so far as you find a Government to exist, you find the right to petition that Government existing also, as an undeniable franchise and birthright of the humblest in the land. The Normans came over, lance in hand, burning and trampling down every thing before them, and cutting off the Saxon dynasty and the Saxon nobles at the edge of the sword; but the right of petition remained untouched. In all succeeding times, from the day when the barons at Runnymede pledged themselves to deny to no man redress of his grievances, through every vicissitude of revolution and of war, down to the day when our forefathers abandoned their native country, the same right of petition continued without challenge. In the next reign, it is true, that of the misguided Charles I, the King invaded the public liberties; and he expiated the wrong by a felon's death. After the commonwealth had passed away, came the petition of right, and with it the statute of 13 Charles II, distinctly recognising the old right of petition, and regulating the mode of its exercise; and, again, after the dethronement and exile of James II, the bill of rights, and the statute of 1 William and Mary, again recognising and regulating the right of petition as it has been exercised at all times throughout Great Britain.

Now, I ask gentlemen to point me, in all or any of the periods under review, to the precedents of a refusal by Parliament to receive petitions. I invite them to turn over the histories of parliamentary proceeding, and cite me the examples of petitions being thrust out of the House of Commons or of Lords, at the instant of presentation, unread or unheard, on the ground that the prayer of the petition ought not to be granted. Will they do it? Can they do it? Is it not perfectly notorious, on the contrary, that every subject is freely admitted to be heard in his petition, provided it be respectful in terms, even although he pray expressly for a downright revolution in the Government, as did the thousands of petitioners who thus carried through, in our own time, the great measure of parliamentary reform! And shall the people in republican America, with its written constitution for the protection of the public rights, and by a body of strictly limited powers, shall the people here be forbidden to do that which they may freely do in the monarchy of England, having no guarantees for the public liberty except laws and prescriptive usages, all of them confessedly at the will of an omnipotent Parliament? Forbid it reason! Forbid it justice! Forbid it liberty! Forbid it the beatified spirits of the revolutionary sages, who watch in heaven over the destinies of the republic!

Ay, but, say gentlemen, if such things are not done by the representatives of the people in monarchical England, they have been done by their representatives in democratic America. We are told of precedents at home. What are those precedents?

To begin, I throw aside as wholly inapplicable to the question, or at least as evasive of it, the case of petitions refused on account of disrespectful language towards the persons or the body petitioned. Those constitute a standing exception, independent of the merits of the subject.

The proceedings of the House in 1790, in reference

to petitions on the matter of the slave trade and of slavery in the States, have been cited. It is said in a note appended in print to the very respectable speech of the gentleman from Virginia, [Mr. GARLAND,] that those petitions were not received. This is a mistake, as every gentleman may satisfy himself by recurrence to the journals of the House.

[Mr. GARLAND rose to explain. He said that the note appended to his former remarks was wrong. He was led into the error by Mr. Elliot, in his 4th vol. of Debates, page 211. Mr. E. had copied the debate, heading it "Slave Trade; on committing the memorial of the Quakers on the slave trade, H. R., March, 1790;" and closing it with "memorial rejected." From this statement of the question, the debate being upon the commitment, and the addition, memorial rejected, Mr. G. said he took it for granted, without further examination, that the memorial was rejected without commitment. Upon examination, however, he found that this statement was inaccurate, and that the memorial was referred to a committee. Mr. G. said he was indebted to the courtesy of the gentleman from Massachusetts for the opportunity of making this explanation and correcting the error.]

I felt sure that the gentleman from Virginia would, when occasion offered, afford an honorable explanation of this error; for I myself noticed the statement in Elliot's Debates, and might have been misled thereby, if I had not followed up the subject to the original sources of information regarding it. The petitions were in fact received, committed, and debated on report, as I shall have occasion hereafter to state at length.

One other case is cited, that of the petition of Vicente Pazos, agent of New Granada, which, in the year 1818, the House refused to receive. But the printed debates of that day show clearly the ground of rejection. Mr. Forsyth moved that it be not received. "He stated that, as the petitioner was the agent of a foreign Power, and applied to Congress as an appellate power over the Executive, he thought it improper that he should be thus heard." And the question was decided upon this single point. I heartily approve the remarks then made by a distinguished statesman, now no more, who at that time represented Massachusetts on this floor.

Mr. Mills, of Massachusetts, said that "the right of petition was a sacred one, and belonged equally to the meanest and the greatest citizen in the nation; and if such a petition as this, implicating the conduct of the Executive, had been presented from the meanest citizen, he would receive it; and if it complained of grievances without pointing out redress, it would be the duty of the House to give the proper redress; but it was to our own citizens only he would turn this listening ear. What right had a foreign subject to petition this House?"

Sir, I have incidentally touched upon the argument of precedents, and shown how untenable it is; but I care not if there were a thousand precedents of refusal to receive petitions. Such a fact, if it existed, would not abate my zeal on this point, or shift, in the minutest degree, my position. Upon the constitution, upon the pre-existing legal rights of the people, as understood in this country and in England, I have argued that this House is bound to receive the petition under debate. It is impossible, in my mind, to distinguish between the refusal to receive a petition, or its summary rejection by some general order, and the denial of the right of petition. I have no such microscopic eye as to enable me to discern the point of difference between the two things. This procedure may be keeping the word to the ear, but it is breaking it to the sense; and I go upon general, abstract, original, fundamental principle, the great principle of democratic liberty, which is the foundation stone of this republic. It is for the sacred and inalienable rights of the people that I here contend. I should regard the exclusion of petitions from the consideration of the House as a high-handed invasion of the imprescriptible rights of the constituency of the country, of whom we are the representatives, not the dictators; and it is for that reason I take my stand against it on the very threshold.

Sir, I am a republican; and I desire to see this House observe the principles of that democracy which is ever on the lips of its members, and which I hope is in their hearts, as I know and feel it is in mine, and mean it shall be in my conduct. This republic was called into being, organized, and is upheld, by a great political doctrine. That doctrine is, that the people alone are supreme; that they are the fountains of power; that all magistrates are the delegated agents of the people, for the purposes limited and prescribed in their letters of appointment and the general laws of the land; that the constituents of a member of this House have the right to give instructions to him individually; and that every individual one of the people has a right to be heard by petition on the floor of this House. These are among the things which I understand to constitute the principles of democracy; those general principles, which I learned in my boyhood, with my catechism, in the bill of rights prefixed to the constitution of my own State; which, on maturer study, I have seen to be avowed more or less distinctly in all the constitutions of this republic, and of each of its constituent republics; which I perceive to be defended and applauded in the writings of the great text authors of political science in modern times; and which, after being for the first time practically exemplified in our own institutions, have gone forth over the universe, toppling down thrones, and raising up freemen, through all the nations of Christendom.

And whilst I feel impelled by such convictions to resist the summary rejection of this petition upon principle, I am irresistibly led to the same conclusion by considerations of policy and expediency. I deny that such considerations should decide the question; but seeing they have been urged into it, I shall concede to them all due respect.

We have been told that the prayer of the petition is for a thing which the constitution does not permit to Congress, and so the petition itself should not be received. I ask of the House how it appears that we have no right, by the constitution, to legislate upon the subject-matter of the petition? It may be so, and it may not. One member of the House has earnestly averred that it is, another that it is not. Which of them is right? I confess, for myself, that I cannot think it becomes the House to decide either way, upon the mere *ipse dixit* of individual members. Besides, the petition calls in question not only slavery, but also the commerce in slaves. And will any gentleman affirm that the slave trade of the District is among those holy things which Congress may not constitutionally handle? Is this District set apart by the constitution, under whatever changes of opinion or fact the progress of civilization may introduce, to be unchangeably and forever a general slave market for the rest of the Union? I confess that I, again, am disappointed in that, among all the confident things said in denial of the constitutional powers of Congress in this matter, there has not been, so far as I remember, any systematic argument on the perfectly distinct branches of the double constitutional question involved in it, namely, the slave property and the slave traffic of this District. And what shall be said of our constitutional power in the purchased territories, under the jurisdiction of the United States, to which some of these petitions apply? And what clause of the constitution restricts the right of petition to constitutional things? This House cannot grant beyond its powers; these are limited by the constitution;

but the people may petition for any thing; for the right of petition is, by the constitution, secured forever against any and every limitation or restriction.

But then it is said that the subject-matter of the petition does not admit of debate; that the deliberate consideration of it, and the decision of it in the ordinary course of business, would be fraught with disastrous consequences to the peace of the South and the general tranquillity of the Union. Deeming this argument of more weight than the other, I will give to it more careful attention, especially as on this point gentlemen have appealed with great force of language to the patriotic consideration of the North.

In the first place, I aver that I, and those with whom I have acted or voted, did not seek debate on this subject. We felt anxious, almost universally, to avoid it. The members from Massachusetts, at least, have not invited, and, until it had been under discussion among other gentlemen for a whole month, they scarcely participated in the agitation of the subject in this House. We sat here week after week, submitting, for the sake of public peace, to hear in silence the harshest reflections upon our constituents, and listening, with surprised curiosity, to the strangest legal and political heresies, uttered as confidently as if they were gospel truths communicated by divine inspiration. One of my colleagues [Mr. ADAMS] did, indeed, beseech gentlemen not to provoke him to a discussion of the subject; and thus it went on, untouched by us, until another of my colleagues [Mr. HOAR] could no longer abstain from the temperate defence of the constitution and of his fellow-citizens.

In the second place, I do devoutly believe that gentlemen misjudge, if they suppose that agitation out of doors is to be arrested by the quashing of these petitions on their very introduction to this House. With my whole heart I accord in the view of the subject taken some time since by an honorable gentleman from New York, [Mr. HUNT,] and which I know is taken by one of the wisest and most trusted of the statesmen of Virginia, now a member of the other branch of Congress. If there be any plausible reason for supposing that we have the right to legislate on the slave interests of the District, you cannot put down the investigation of the subject out of doors by refusing to receive petitions. On the contrary, you give the petitioners new force and efficiency, by giving them a new cause of complaint and of excitement. Nor do you attain any thing, so far as this House is concerned; for, by shutting out petitions you do not shut out debate; any member of the House can bring on debate any day, by moving some general resolution applicable to the subject. On the other hand, if it be so certain that Congress have no power in this matter, or, having power, ought not to exercise it, then let the House establish those points in the usual way, by a deliberate report, elaborated in the closet, by a committee of the ablest men upon this floor, and considerately adopted by the House. The argument by which this course is withstood goes upon a false assumption. It assumes for granted that the people of the United States are not to be reasoned with; that their opinions can be put down by bold and broad assertions at this or the other end of the Capitol; and that they are not to be trusted with the facts and law of the case. Here, again, as I conceive, gentlemen forget that this Government is a republican one, resting exclusively in the intelligence and virtue of the people. I, for one, am willing they should look into any of the clauses of the constitution, and be fully informed of the merits of every question arising under it, never doubting that, in the end, their decision upon it will be just, true, and patriotic. Or is it that gentlemen are afraid to meet a proper scrutiny of the subject? Do they shrink from a fair and full examination of its merits or demerits?

Sir, allusion has been made, in an early stage of this debate, to the history of the excitement which once pervaded a considerable part of the country in reference to the transportation of the mails on the Lord's day. It is undoubtedly a pregnant case, directly in point; but I have another case yet, more cogent and pertinent.

Within less than one year after the adoption of the constitution, there came to Congress petitions, chiefly from New York, Pennsylvania, Maryland, and Virginia, and especially from the Society of Friends, praying Congress to suppress the slave trade, and to interpose, in various ways, within the limits of the several States, in the melioration of the condition of the colored population of the South. I have examined the journals giving the records of the proceedings in this House; I have looked into the history of the times, to understand the grounds of the disposition then made of those petitions. In the outset, I will observe that the debates on the subject present a remarkable parallel with what has taken place under my own eyes in this House. Messrs. Jackson, Baldwin, Tucker, Smith, and some other gentlemen from the South, insisted, as we now hear it insisted, that the petitions should be summarily rejected, without commitment. They alleged the same reasons; such as unconstitutional object, and pernicious effects of the discussion upon the interests of the slaveholding States. One gentleman did, I believe, what I suppose would hardly be done at this day, enter into an elaborate vindication of the trans-Atlantic slave trade. But there was a most eminent and most patriotic member of that House, a man as calm in judging as he was deliberate in acting, who had himself been instrumental among the first in laying the foundation of this Union; who since then has successfully filled the highest stations which the laws of his country acknowledge; and who yet lives in a venerable old age, to receive the admiration of his countrymen, and to enjoy the rare felicity of surviving, as it were, a witness of the honors bestowed upon him by posterity. *Serus redeat in cœlum.* Long may it be ere he depart from among us, to take his place among the great and glorious of other times. Sir, the House will anticipate that I have in my eye James Madison the younger, who stood forth to pour upon the troubled waves of that day the oil of peace and gladness. God grant there may yet be found among his patriotic countrymen some good and great man—a better and a greater there is not—now to perform the selfsame office for the republic.

At that crisis, in the very greenness of the immature youth of the constitution, when it was least able to bear the shock of sectional collision, Mr. Madison, southerner as he was, steadily opposed his friends from the South, and successfully advocated the commitment of the petitions. I submit to the House his speech, as I find it very briefly reported in the newspapers of that day:

"Mr. Madison observed that it was his opinion yesterday that the best way to proceed in this business was to commit the memorial without any debate on the subject. From what has taken place, he was more convinced of the propriety of the idea. But, as the business has engaged the attention of many members, he would offer a few observations for the consideration of the House. He then entered into a critical review of the circumstances respecting the adoption of the constitution, the ideas upon the limitation of the power of Congress to interfere in the regulation of the commerce in slaves, and showing that they undoubtedly were not precluded from interposing in their importation, and generally to regulate the mode in which every species of business shall be transacted. He adverted to the western country and the cession of Georgia, in which Congress have certainly the power to regulate the subject of slavery, which shows that gentlemen are mistaken in supposing

that Congress cannot constitutionally interfere in the business in any degree whatever. He was in favor of committing the petitions, and justified the measure by repeated precedents in the proceedings of the House."

I produce this speech, not for the purpose of adopting all its views, for some of them, I confess, are new to me, and such as I have not had time or means to investigate, but in order to show, conclusively, what Mr. Madison deemed wise and proper to be done in a contingency so precisely like the present. Accordingly, all the petitions were committed to a select committee; that committee made a report; the report was referred to a Committee of the Whole House, and discussed on four successive days; it was then reported to the House with amendments, and by the House ordered to be inscribed in its journals, and then laid on the table.

That report, as amended in committee, is in the following words:

"The committee to whom were referred sundry memorials from the people called Quakers, and also a memorial from the Pennsylvania Society for promoting the abolition of slavery, submit the following report, (as amended in Committee of the Whole:)

"First. That the migration or importation of such persons as any of the States now existing shall think proper to admit cannot be prohibited by Congress prior to the year 1808.

"Secondly. That Congress have no power to interfere in the emancipation of slaves, or in the treatment of them, within any of the States; it remaining with the several States alone to provide any regulation therein which humanity and true policy may require.

"Thirdly. That Congress have authority to restrain the citizens of the United States from carrying on the African slave trade, for the purpose of supplying foreigners with slaves, and of providing, by proper regulations, for the humane treatment, during their passage, of slaves imported by the said citizens into the States admitting such importations.

"Fourthly. That Congress have also authority to prohibit foreigners from fitting out vessels in any part of the United States for transporting persons from Africa to any foreign port."

Now, I entreat the House to call to mind the effect of these proceedings. There was no insurrection, no servile war, no agitation in the South. Congress calmly and considerately examined the whole broad question, not of the slave trade only, but also of the slave interest. It decided how far it could go, and how far it would go. Its decision went forth to the world, and settled the questions involved in it, as it were, forever. Nearly fifty years have since elapsed, and I am not aware that the points then adjudged have at any time since been drawn into debate or controversy. And I do declare my solemn belief, that if the House would now pursue the same course, and dispassionately determine what it can or cannot do, and make that determination known to the country in a respectful way, the result would be precisely the same in this vexed question of the District of Columbia.

Entertaining these opinions of the course to be pursued, I beg of gentlemen to look at the question, as I have done, in a calm review of facts and of principles. They deprecate all agitation unfriendly to the peace and reciprocal good will of the different sections of the country. So do I, most heartily; and in my own humble sphere I have earnestly exerted myself to this end. And I do, unwillingly but decidedly, avow my conviction, derived from abundant personal observation, that it is not by the summary suppression of petitions, it is not by Lynching this or any other petition, that tranquillity is to be restored, and harmony assured, either in the South or the North. And whilst I entreat of individual members of the House to regard this question in calmness, and conclude it in judgment, as they would any lesser question, I warn and adjure the House itself, as a constituent branch of this Government, to beware lest, in deciding this general question of the right of petition, it overleap the bounds prescribed to it by the constitution.

Men of Virginia, countrymen of Washington, of Patrick Henry, of Jefferson, and of Madison, will ye be true to your constitutional faith? Men of New York, will ye ride over the principles of the democracy ye profess? Men of the West, can ye prove recreant to the spirit of sturdy independence which carried you beyond the mountains? Men of New England, I hold you to the doctrines of liberty which ye inherit from your puritan forefathers. And if this House is to be scared, by whatever influences, from its duty to receive and hear the petitions of the people, then I shall send my voice beyond the walls of this Capitol for redress. To the people I say, your liberties are in danger; they, whom you have chosen to be your representatives, are untrue to their trust: come ye to the rescue; for the vindication of your right of petition, to you I appeal; to you, the people who sent us here, whose agents we are, to whom we shall return to render a reckoning to our stewardship, and who are the true and only sovereigns in this republic.

After Mr. CUSHING concluded his remarks,

Mr. GARLAND rose and said that he did not rise to inflict a long speech upon the House, particularly at this hour of the day; that he would not discuss the subject of slavery here or elsewhere; but he could not permit the ingenious and specious remarks of the honorable member from Massachusetts, [Mr. CUSHING,] who has just taken his seat, to go to the public without an humble effort, on his part, to parry their effects, by exposing their fallacy. Mr. G. said, that whenever gentlemen presented these petitions for interference with the local rights of the people of the District of Columbia, against their wishes, the reception was to be secured, by being wrapped in the extensive folds of the sacred, the constitutional right of petition.

Mr. G. said he proposed very briefly to examine this subject, with a view to distinguish between the constitutional right of petition and the constitutional obligation of this House to receive petitions when presented, and to prove that this House was under no constitutional obligation to receive petitions founded in abuse of this sacred right, and having in view the subversion of the rights of others. Mr. G. said, when gentlemen from the North accused members of the South of disregarding the constitutional right of petition, in voting against the reception of these abolition memorials, they did them great injustice. No people regarded with more scrupulous jealousy the right of petition, legitimately exercised, than the southern people; but it was against its abuse that they protested; and it was the invasion of the rights of others, under color of this sacred principle, which they resisted.

Mr. G. said, with due deference to the opinions of other gentlemen, he had always understood that the object of the constitution, in guarantying the right of petition, was to enable the people, or any portion of them, to assemble without interruption or hindrance, and petition for the redress of any grievance under which they might labor, and which was within the reach of the body petitioned. This was the object of the celebrated magna charta of England; it was the object of every guarantee of the right of petition in every age of the world, wherever it has existed. It was (said Mr. G.) emphatically a right, guarantied by the constitution, to petition for redress of grievances—grievances either public or private, but nothing more. Mr. G. said, to sustain this

position, he needed no other argument than the article of the constitution cited by the honorable gentleman himself. It reads thus: "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances." Can the mind of any man (said Mr. G.) be so far obscured as not at once to perceive that the object of this article was to secure to the people the right of assembling and petitioning, without hindrance or molestation, founded upon the right of all or any portion of the people to have their grievances (not the grievances of others) redressed? He said he thought not. He thought the article too clear to need the aid of argument for elucidation. Mr. G. said, every people knew their own grievances best, and he thought it a most extravagant claim, under this article, to assert that it gave the right to one set of people to interfere with the rights of another, and that Congress was bound to receive such petitions, and gravely act upon them. The constitution meant (said Mr. G.) no such absurdity.

Mr. G. said he would, by offering a few hypothetical examples, illustrate the absurdity of this extravagant claim under the constitutional right of petition, broad as it is, and broad as it should be. Mr. G. said the constitution of our Government was strictly federal; that to its action and control were confided particular, specified, defined powers, in which there was a general and a community of interest between all the States; but that the domestic rights of the States were under their own exclusive jurisdiction; and that the Federal Government could, constitutionally, no more interfere with them than could the Government of France or England. In the domestic relations of the States, they are not only independent of the Federal Government, but of the several State Governments. Among the several domestic concerns of the States, over which the Federal Government has no jurisdiction whatever, is the institution of slavery in the slaveholding States. It is an admitted principle, (said Mr. G.) It is a constitutional guarantee that the jurisdiction of the States in which slavery exists is exclusive over the subject, and that neither the Federal nor any State Government has the right to interfere with it. This principle being true, (said Mr. G.,) as it undoubtedly is, he would ask whether the people of any portion of the State of Massachusetts had the right to petition Congress to abolish slavery in the State of Virginia, because the right of petition is guarantied by the constitution, and that Congress is bound to receive their petitions, and gravely consider the subject-matter of them--a subject-matter over which there is not only not delegated any power, but over which their power is expressly restricted. To what end are they to receive it? Merely to get a report from a committee, and a grave decision of this House that it has no right to legislate upon this subject? Surely this is an absurdity (said Mr. G.) for which no member of this House will contend. It would be an idle waste of time.

Sir, said Mr. G., (for the principles would be precisely the same,) suppose these people were to petition Congress to interfere with the domestic relations of France or England: ought their petitions, or, in other words, would Congress be bound to receive and gravely consider the subject-matter of such petitions? Certainly not. Again, said Mr. G., suppose they were to petition Congress to alter the law of descents in Virginia—and they have the same constitutional right to do this as they have to petition Congress to abolish slavery in Virginia—will gentlemen say that Congress would be bound, under the constitution, to receive and gravely consider the subject-matter of such a petition? I humbly think not. According to the latitudinous views of the gentleman from Massachusetts, [Mr. CUSHING,] the good people of Massachusetts have the constitutional right to petition about every thing and any thing, either in Europe, Asia, Africa, or America; even, Mr. Speaker, that this House should hang you, for some of what they might please to call your religious, or political, or moral sins; and that the constitution imposes upon Congress the obligation to receive and gravely to consider such petition. When it is seen that the right of petition, and the obligation of receiving and considering such petitions on the part of Congress, as contended for by the gentleman from Massachusetts, drives, in practice, to such absurdities, Mr. G. said he regarded the position he had taken proven to be true--that the constitution intended to give protection to the people in petitioning for a redress of their own actual grievances, and to impose upon Congress the duty of receiving only such petitions as come within the sphere of their constitutional power of redress. Mr. G. said he hazarded but little in saying, if this case could be reversed, and the people of Virginia were petitioning Congress to compel the State of Massachusetts, or any other non-slaveholding State, to establish slavery, that every northern member would rise in his place and protest against the reception of such a petition, as impertinent, obtrusive, and without the legislative jurisdiction of Congress. The principle is precisely the same.

Mr. G. said if he had succeeded in proving, as he humbly thought he had, that the constitution did not secure to the people of Massachusetts, or any other State, the right to petition for the abolition of slavery in Virginia, or for any interference with any of its acknowledged domestic rights, or impose on Congress the duty of receiving and considering such petitions, it only remained for him to prove that, in relation to the domestic rights of the people of the District of Columbia, they were as independent and as foreign to the people of Massachusetts as were those of Virginia, and that they had no more right of interference with the one than the other. Mr. G. said that the cession of the District of Columbia made it incompatible with the successful operations of the Federal Government, and the just protection of the rights, of the life, liberty, and property, of its citizens, that the States of Maryland and Virginia should retain the legislative jurisdiction over the ceded territory; hence it was committed to the legislative care of Congress. But it never entered into the heads of those who ceded, nor of those who accepted the cession, that the people of the ceded territory, by the cession, lost the protection of life, liberty, and property, guarantied to the people of the several States, and which they enjoyed prior to the cession; and that each was to be subject to the uncertainty which would necessarily arise out of the conflicting religious and political notions and discordant interests of the people of this extended empire. On the contrary, all supposed, and none can doubt, that they were left by the cession in the same state of security which they enjoyed previous to the cession, and that they had exchanged simply the legislative jurisdiction of Virginia and Maryland for that of Congress. He said that the article of the constitution giving to Congress "exclusive legislative jurisdiction" was adopted before the cession was made, and hence could have had no particular reference to the condition of the District afterwards ceded; and could not, therefore, abridge any of the domestic rights of the people of the District, as they existed at the time of the cession. But the cession having been accepted with the guarantee of the right of property to the people of the District, contained in the constitution and acts of concession, these guarantees afford ample protection, and are restrictions upon the jurisdiction of Congress as the local Legislature of the District. Mr. G. said that the people

of Massachusetts had no more connexion or concern with the domestic rights of the people of the District than they had with those of the people of Virginia or Maryland, and that any attempt at interference with them was as impertinent and obtrusive as interference would be with those of Virginia and Maryland, or any other independent State. Mr. G. said he contended that the people of the District, in relation to their domestic rights, occupied the position of a State, and were entitled to have their rights respected as such, and protected from interference from other States as such.

Mr. G. said, having thus examined the principle growing out of what has been termed the constitutional right of petition, the extent of the obligation of Congress to receive, and established, as he thought, beyond reasonable doubt, that Congress was not bound to receive petitions from people who did not seek the redress of some public or private grievance affecting themselves, he would very briefly canvass the claim of the petition now under consideration to that character. He said he would emphatically ask, what was the grievance affecting the petitioners, for which they sought redress, and in aid of which they so clamorously invoked the sacred right of petition and the spirit of liberty? Why, Mr. Speaker, (said Mr. G.,) the grievance is, that the people of this District, some hundred miles removed from the petitioners, hold slaves, (a property guarantied by the constitution,) and they modestly ask that the people of the District may be deprived of their property without their consent. Surely, (said Mr. G.,) this is no grievance, either public or private, to the petitioners. But what is the grievance complained of in the petition, and for which a remedy is sought? It is, sir, that the existence of slavery is incompatible with the religious notions of the petitioners, and they simply ask (a very small matter, certainly) that the Congress of the United States should forcibly wrest from a portion of the people their property, for the very important object of gratifying the religious scruples of those very devoutly religious people. Mr. Speaker, (said Mr. G.,) this is as bold and daring an attempt as was ever made among a free people, to compel, by force of law, one set of people to conform their practices and their consciences to the religious notions of another set; and this, sir, is the whole grievance. Sir, once commence this work, and by then you have legislated conformably to the peculiar notions of all our religious sects; there will be little of liberty left to the people. You will have established a complete clerical despotism. Mr. Speaker, (said Mr. G.,) the very clause of the constitution quoted by the honorable member from Massachusetts contains this valuable provision: "Congress shall make no law respecting an establishment of religion." If this provision (said Mr. G.) is of any value at all, it secures to every man the right of maintaining his own religious opinions, and conforming his practices to them. I emphatically ask every member here, ay, every American freeman, if Congress should carry out the prayer of these petitioners, whether, in practice, it is not directly at war with the right of religious freedom guarantied by the constitution as above quoted? Some men think, and pious men, too, that slavery is not incompatible with the strictest notions of religion. I then ask (said Mr. G.) if they are to be forced by law to surrender their own opinions, and be compelled to conform to those of the petitioners? I answer, no. You cannot so far violate the principles of the constitution securing religious freedom. Mr. G. said no man or body of men had the right, nor should they force him to take their peculiar notions of religion. He was responsible to none but his Creator for his religious opinions or moral practices. The Creator himself had given a guide by which all were to be directed; it was a wise and unerring guide. But he disclaimed, for himself and his constituents, the right of bigoted and despotic teachers of religion to gull down their throats their notions of religion or any thing else. They are as frail and as fallible as himself, and he did not choose to be compelled to follow their guidance when he deemed them in error.

Mr. G. said it was unreasonable to act upon such petitions as this, because the petitioners were not affected with the evils or reproaches of slavery. They lived under laws and institutions in which it was not tolerated. Hence they have no practical grievance to redress. I protest, Mr. Speaker, (said Mr. G.,) that the people of this District, who complain of no grievance, who have none to redress, should be violently deprived of their rights, to satisfy the religious scruples of their kind friends, these petitioners.

Mr. G. said that, having said thus much upon the constitutional right of petition, and the grievance sought to be redressed in the petition now under consideration, he would say a few words as to an exception of the general obligation of Congress to receive and consider petitions, if in every other respect unexceptionable. Mr. G. said this was an exception due to the body itself; he alluded to the right of this body to require that every petition presented to it should be couched in decent and respectful language. This (said Mr. G.) is an acknowledged right, and it would be a useless consumption of time to detain the House with any arguments as to its necessity and propriety. Mr. G. asked if the petition now under consideration was couched in such decent and respectful language as to address itself to the favorable consideration of the House? Sir, (said Mr. G.,) in this, as in most of the petitions which have been presented, the people of the South are characterized as pirates, man-stealers, merchants in human flesh, and gross violators of the laws of God and man. Mr. G. said that the honorable gentleman who had just taken his seat, and who professed to be opposed to the abolitionists, (no doubt sincerely,) but who had made a most excellent abolition speech, complained of the terms of opprobium which had been used in this debate towards the northern people, insomuch that he acknowledged his zeal against abolitionism much abated. Mr. G. said he asked that gentleman how it was that he could feel so sensibly the epithets employed against the abolitionists, and not feel the severe reflections upon the whole southern people contained in these petitions? Sir, (said Mr. G.,) are these terms of reproach, such as piracy, man-stealing, &c., so mild, and so gentle, as to be totally innocent, totally inoffensive? Surely the gentleman cannot so think.

Mr. G. said that the institution of slavery existed at the time of the formation of the constitution. The free States, so called, entered into the constitutional compact with the full knowledge of this state of things, and solemnly engaged not to interfere with it. The South has faithfully and devotedly performed its constitutional obligations for upwards of fifty years. The southern representation have the same claim to protection from insult and reproach, when they come here to legislate, as the northern representation. Is it to be patiently borne, then, Mr. Speaker, that the representation of the South are to sit here, day after day, and hear themselves and their constituents reproached as pirates? No, sir; it is more than southern feeling and southern blood can bear. It cannot, it will not, be submitted to. It had been said (said Mr. G.) by an honorable member from Massachusetts, [Mr. ADAMS,] that it was almost impossible to speak of the subject of slavery without using terms which may be deemed insulting and reproachful. Then, Mr. Speaker, (said Mr. G.,) why speak of it here at all? It is no reason why the South should submit to insult,

because gentlemen say they cannot present the subject to the consideration of Congress without using terms of an insulting character. Sir, these petitioners have no right to interfere, nor has Congress the right to interfere, with this subject; and these petitioners have only to abstain from an unwarrantable interference with the rights of others, to avoid insulting and reproaching the whole southern people. Mr. G. said he could readily perceive why gentlemen did not feel the force of these terms of reproach applied to the South, and appreciate their insulting character. It was because they themselves were not the subjects of these epithets. They were not addressed to them, and their resentment was not, therefore, excited. But (said Mr. G.) he was well satisfied that if any portion of the southern people were to present petitions designating the whole people of the North as tories, or applying to them some other harsh and libellous epithet, the northern members would readily feel the insult, and refuse to receive such petitions. The terms of reproach employed in these petitions were no less insulting, and deserved at the hands of the South the utmost indignation.

But (said Mr. G.) he was much astonished to hear from two gentlemen of such intelligence as the gentlemen from Massachusetts, [Messrs. ADAMS and CUSHING,] any argument drawn in favor of the reception of this and other like petitions, because they prayed for the abolition not only of slavery, but of the slave trade, as they are pleased to call it, in the District of Columbia. Upon what principle it is (said Mr. G.) that the African slave trade can be assimilated to individual sales and purchases of slaves in the same State where slavery exists, he said he was utterly at a loss to conceive. Surely the gentlemen were too learned not to know that the right to hold a slave as property involved necessarily the right to alien. It was a necessary and inseparable consequence.

Mr. G. said the sales called the slave trade by these holy petitioners were oftener the result of necessity than of choice. They were sometimes made to satisfy debts, sometimes to divide dead men's estates, sometimes from one cause and sometimes another; in no case, however, changing the condition of the slave, except so far as in the character of their masters; and if sometimes mother and children are separated, it is only that which frequently happens with the master and his family. Every day events are transpiring and scenes taking place which are deeply afflicting to our feelings, but they are the results of human frailty and human imperfection, and cannot be avoided.

Mr. G. said another strong, and, to his mind, conclusive argument, that the mere fact of presenting a petition did not impose the obligation of receiving it, was the very propounding of the question, "Shall the petition be received?" It implies in itself the power not to receive; and the reason of the rule seems clearly to be that the power not to receive had reference as well to the subject-matter of the petition as to the language in which it is couched. But it is asked, how is the House to get in possession of the subject-matter of a petition, unless it be received and read? Mr. G. said the answer to this inquiry was quite easy. By a rule of the House, every member who presents a petition is required briefly to state the subject-matter of it. In this way the House becomes possessed of its object, and may, upon ample information, determine upon the question of reception. If the petition asks Congress to do what it is palpably forbidden by the constitution to do, is there any reason why it should be received? Certainly none.

Mr. G. said that the precedent relied upon by the gentleman from Massachusetts, [Mr. CUSHING,] of the reception and rejection of the petition of the Society of Friends in 1791, did not apply. Mr. G. said that the material object of that petition was the regulation and ultimate abolition of the African slave trade. This was a subject, in part at least, which belonged to the constitutional authority of Congress. The right to regulate the African slave trade was, in effect, the right to regulate commerce, which properly belonged to the exclusive jurisdiction of Congress. Hence the propriety of the reception of that memorial, although it was subsequently and properly rejected. But that case does not apply to this petition. This petition asks Congress to do what it has no power to do.

Mr. G. said he begged the indulgence of the House for a few moments, while he briefly recurred to the question of the constitutional power of Congress to abolish slavery in the District of Columbia. He said there was only one article of the constitution upon the subject, and that is as follows:

"To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States," &c.

It will be perceived (said Mr. G.) that this clause is a part of the original draught of the constitution, and that it was adopted before the cession of the District of Columbia, but expressly in anticipation of such an event. Of course, as I before remarked, this constitutional provision could not have been intended to apply to the question of slavery, or to grant any power over it, for it was not certainly known that the anticipated cession would be made by Virginia and Maryland, or any other slaveholding State. Nor could this clause secure the cession from such restrictions as the State or States might think proper to impose for the protection, in relation to their persons or property, of the citizens inhabiting the territory which should be ceded. By the constitution (said Mr. G.) all power over slavery is taken from the Federal Government, and they cannot abolish it without an express delegation of power to do so. That has not been given, even as regards the District of Columbia.

But (said Mr. G.) it has been contended, and with much plausibility too, that the article of the constitution conferring on Congress the power of "exclusive legislation" embraces this subject, because, by conferring exclusive legislation, gentlemen contend that unlimited and unrestricted legislation was meant.

Mr. G. denied the legitimacy of this conclusion entirely. He said the article itself contemplated a cession from a State or States, and the word "exclusive," here used, meant the power of legislation, exclusive of the legislative power of the State or States making the cession, or of any other State. Exclusive jurisdiction (said Mr. G.) simply means a jurisdiction exclusive of every other jurisdiction; that it shall not be concurrent with any other jurisdiction. But the article in question was never intended to convey the idea of an unrestricted and unlimited power of legislation. This view, Mr. G. said, he regarded as conclusive, independent of the restrictive clauses of the cession acts of Maryland and Virginia. The power, then, of Congress over this subject having been, without exception, restricted as to the whole subject of slavery, the people of the District of Columbia are as clearly within the reason of the restriction as they are entiiled to its benefit in common with all the people of the slaveholding States. Mr. G. said, take from the people of the District the protection of the constitutions and laws of the States which ceded it, take from them the restrictions imposed by the constitution of the United States on federal legislation, and you at once determine that the Government of the District is an absolute despotism. The people have no representation, and will have no security against tyranny and oppression, save in the discretion of Congress--

a state of things opposed to the genius of our institutions, and an inequality which ought not to be tolerated.

If, then, (said Mr. G.,) this power cannot be derived from the constitution, is it derivable from the cession acts of Virginia and Maryland? Certainly not in terms. Nor could he perceive a single word or sentence in those acts from which such a power is fairly inferrible; on the contrary, the acts are restrictive, and the circumstances in which Virginia and Maryland were placed, being large slaveholding States, conclusively prove that they did not intend, by these acts, to confer this power; they could not have so much disregarded their own security as to have done so. From whence, then, is this power to be derived? Nowhere, sir; nowhere. But this is not all. These cessions were made by the ordinary Legislatures of Virginia and Maryland, and they could not grant any further powers over the people of the District than they possessed themselves; they could not disfranchise this portion of their citizens, and transfer them, bound hand and foot with unmitigated chains of despotism, to any Power whatever. It will be admitted that they could not. I then ask, had the ordinary Legislature of Virginia, which made this cession, the power to abolish slavery in Virginia? I say no, it had not. It may be asked, where is the restriction? I answer, in the bill of rights of the people of Virginia, which restricts and controls the powers of the Legislature, and in her constitution.

Can it be for a moment seriously contended (said Mr. G.) that though the Government of Virginia cannot take from its citizens any portion of their property, except for public use, and not then without adequate compensation, yet they have the right to confiscate or abolish property? The idea, to me, (said Mr. G.,) is preposterous. Slaves were held as property in Virginia when the bill of rights and the constitution were both adopted, and were the subjects, in part, to which the protective principles of these instruments had reference. But now (said Mr. G.) it is gravely contended that, instead of protection and security to property, these instruments admit the unqualified power of its destruction. This, sir, cannot be so; it is too absurd for serious refutation. I do not deny (said Mr. G.) that the people, by a primary act of sovereignty, may confer on their ordinary Legislature the power of abolishing slavery in the State; I only deny that the Legislature is now clothed with that power. With these remarks, referring to what I said on a former occasion, and to the able and unanswerable arguments of one of the Senators of my State in the other House, I forbear any further remark upon this branch of the subject.

The honorable gentleman from Massachusetts (said Mr. G.) has intimated—not intimated, sir, but directly declared—that he and these petitioners will regard the refusal of this House to receive this petition, and others of like character, as a violation of their rights, and destructive of their liberties—as anti-republican. Sir, (said Mr. G.,) if the rights and liberties of the people of Massachusetts depend upon their right to have petitions received and considered by this House, officiously seeking to subvert the rights and liberties of the South, by destroying their property, and exciting, by their incendiary petitions, southern slaves to insurrection and rebellion, then, indeed, sir, ought their liberties to be endangered. The liberty of violent interference with the rights of others, secured by the constitution and laws, if they be so, ought not only to be abridged, but entirely eradicated, as dangerous in the extreme. But, sir, the gentleman must excuse us when we refuse to recognise in them a right which is actually subversive (not in theory, but in practice) of our own liberties, destructive of our property and our lives.

Mr. G. said he would ask, however, what liberty has been invaded, what right of these petitioners has been violated? The right of petition? They have assembled and petitioned without interruption. The freedom of the press? They have presses in full operation. The freedom of debate? God knows they have debated here and elsewhere with perfect freedom. The next thing will be, we must abolish slavery, or the liberties of the northern people will be endangered. Mr. Speaker, (said Mr. G.,) I indulge the hope that the gentleman himself, and his constituents, will think better upon this subject, and come to more rational conclusions about liberty.

It has been said by the honorable gentleman from Massachusetts, [Mr. CUSHING,] said Mr. G., that the refusal of this House to receive these petitions would give force and efficiency to the efforts of the abolitionists, and greatly increase their strength. I hope not, (said Mr. G.) But if it were so, he had only one thing to say, and that was, that he who for such insufficient cause would become an abolitionist, is an abolitionist already at heart, and only waits a plausible pretext to throw off his guise and enter upon his work.

Mr. G. said that there were many remarks of the gentleman which he forbore to reply to, although susceptible of a very ready answer, but would bring his remarks to a close. He said that he himself had been the object of some peculiar attentions from some of this gentle and benevolent tribe of abolitionists. They had transmitted to him many papers, pamphlets, and a little poetry, no doubt with a view to insult him; but he said he regarded them, or whatever they might say or do, with as little concern as he did the dust under his feet.

Mr. G. said that the gentleman from Massachusetts had truly said that the agitation of this subject had created a degree of excitement which endangered the Union itself. Why, then, do gentlemen, holding this opinion, if they value the Union as they ought to do, and would cherish free institutions, agitate this subject? Why do they not throw themselves into the breach, and save this holy ark—this ark of safety and of freedom, this last hope of liberty in the world—from the destroyer's hand? I leave them to make the answer to their consciences and their country. One thing I will say—not to the northern people, (for in them I have an abiding confidence—I yet believe that, by legal means, and the force of public opinion, they will frown these disturbers of our peace into the insignificance and contempt which they merit,) but to the abolitionists. I do not believe their leaders have any concern about emancipation, but that their main object is to get up and keep up this excitement, for selfish purposes. Many of them are clergymen, and want agencies and missions, at forty or fifty dollars a month; some are editors, and wish to secure profitable patronage for magazines, newspapers, and pamphlets. The others are the deluded victims of the treachery of these leaders. But they may rest assured that, without force, they can never effect their object. Whenever they shall resort to force, they may be assured that every field over which they march will bleach with their bones, and every rivulet be crimsoned with their blood.

Mr. GARLAND then moved to lay the preliminary motion of reception on the table.

Before the question was taken, at the request of Mr. HAMMOND, who expressed a wish to address the House on the subject, Mr. G. withdrew it; and, on motion of Mr. HAMMOND,

The House, at half past 4, P. M., adjourned.

TUESDAY, JANUARY 26.

APPROPRIATION BILLS.

Mr. MASON, of Virginia, from the Committee on Foreign Affairs, reported the following resolution:

Resolved, That from and after Tuesday, the 2d day of February, the several bills making appropriations for the support of Government, the naval and military service, fortifications, and the Indian department, at the hour of one o'clock each day, except on Fridays and Saturdays, shall take precedence in the order of business, and shall be considered until the same shall have passed the House.

Mr. HARDIN rose to a point of order. He said it had been the habit of standing committees to report resolutions in violation of what he conceived to be the spirit and intention of the rules. The present proposition could with as much propriety have been submitted by the Committee on Claims, over which his honorable friend from Ohio, [Mr. WHITTLESEY,] presided with so much ability and renown; and with equal propriety could the Committee on the District of Columbia report a bill settling the boundary between Ohio and Michigan. The Committee on Foreign Affairs had undertaken to regulate the business of the House, and he hoped the question would be decided, whether this innovation upon the rules and usages of the body was to be tolerated. He had been looking for such a resolution for a week past, and he was not surprised when it was presented.

Mr. MASON, of Virginia, said that the resolution reported from the Committee on Foreign Affairs did propose to change, in some respects, the order of business in the House. He should have preferred that it should be decided without debate. It was an important proposition, and its purpose and object was to put it in the power of the House to act promptly upon the bills providing supplies for the support of Government, and for the military and naval service. While he did not desire to avoid debate, it must be obvious that, on this proposition, beneficial discussion could hardly be anticipated.

He did not understand the precise form of objection which the gentleman from Kentucky made to the resolution. Does he intend to dispute the authority of the Committee on Foreign Affairs to report such a proposition? Mr. M. would remind the House that the President of the United States, in his message of the 18th of January, had used the following language:

"The return of our chargé d'affaires is attended with public notices of naval preparations, on the part of France, destined for our sea. Of the cause and intent of these armaments I have no authentic information, nor any other means of judging except such as are common to yourselves and to the public; but, whatever may be their object, we are not at liberty to regard them as unconnected with the measures which hostile movements on the part of France may compel us to pursue. They at least deserve to be met by adequate preparation on our part; I therefore strongly urge large and speedy appropriations for the increase of our navy and completion of our coast defences."

This message was referred by the House to the Committee on Foreign Affairs. Its recommendations, thus referred for examination, rendered it the imperious duty of the committee to report the resolution that the House should day after day consider the bills of appropriation, ordinary and extraordinary, and make the provision for public defence called for by the exigencies of the country. The committee, acting under the most solemn sanction, had executed the instructions of the House, and he could not believe that the objection taken would be sustained. The usage of the House justified the resolution; and, if ever there was a time when such a standing order was required by the public interests, Mr. M. thought all would agree that it was called for now.

Mr. HARDIN reduced his point of order to writing; which was, in substance, that the resolution was not within the line of duty or jurisdiction of the Committee on Foreign Affairs, but belonged to the select committee on the rules.

The CHAIR decided the resolution to be in order; but that it must receive the vote of two thirds to pass it, inasmuch as it proposed to give precedence to certain business.

Mr. BELL said that the Chair having decided that it was for the House to determine whether the resolution was in order or not, he supposed no member would appeal from the decision, and he would therefore proceed to discuss the expediency of adopting it. As to the question of order, (said Mr. B.,) it is clear that the Committee on Foreign Relations has no more right to report or offer such a resolution at this time than any individual member of the House, or any other standing or any select committee of the House. If any committee had such a right under the rules and practice of the House, it would be the Committee of Ways and Means. Such an order as that embraced in the present resolution had been resorted to heretofore, in relation to particular and separate bills, on subjects before the House, but it had always, so far as his knowledge extended, been done under such circumstances as to command the general assent of the House, and then it might be more properly said to be conceded from courtesy, and a general sense of the propriety of such a course, than from any idea of authority or power in the committee. The deposite question had been given precedence in this manner over all other business. But the proposition before the House is not only to set apart the whole time of that House to the consideration of a particular bill or measure, nor to bills of the same nature in all respects, but to all the appropriation bills, including the bill for the support of the Indian department. That is a bill which the Committee on Indian Affairs may and will claim the right of examining before it shall pass this House, at least so much of it as shall propose the appropriation of money not specifically authorized by existing laws. As to the army and navy bills, there may be some semblance of right in the Committee on Foreign Affairs to urge their consideration, since that committee may be presumed to have some more knowledge of the state of our foreign relations than the other committees of the House; and may thus see more clearly than others the propriety of proceeding without delay to their consideration. But why include all the appropriation bills? Why ask the House to come to a determination to take up, not the army, not the navy bill, nor both together, but all? What must be the consequence of this course of proceeding, if it shall be adopted by the House? It proposes the exclusive attention of the House to dry and not very interesting detail—to figures and calculations—for months and months together. No measure of a local or other nature, however interesting to large sections of the Union it may be, will be suffered to be taken up. It is known that there are many measures of this nature before the House, and that a large proportion of the members feel a deep interest in taking them up; but it will not be in their power to do so, until all the appropriation bills are voted. The consequence will be, to create a feeling of restlessness in the House, to wear out its patience, to cut off and suppress discussion and investigation into the various items in the appropriation bills, and finally to force them down, without a proper examination into their correctness. The previous question will be the instrument by which those bills are to be forced through *en masse*. It is an unusual and unparliamentary mode of proceeding. The substance of the proposition is to take up all the appropriation bills on Tuesday next, and to admit no other business to interfere until we agree to all of them. This is what is asked.

The gentleman from Virginia [Mr. MASON] has read, rather artfully, though, doubtless, without intending any

artifice, a passage from the late special message of the President, in which large and immediate appropriations are recommended, in order to show this House, not what the President requires it to do—oh, no—but what the country expects from it. We all know, and feel, that the recommendation of the President is a powerful argument in this House at this time; but, sir, is it fair to be always holding up such argument to influence the action of this House? I will not say that it is unfair; but why have we such things eternally pressed upon us? If there is a real necessity for immediate action upon those bills, from what cause has proceeded the delays which have already taken place? Why bring forward this measure to-day? Where has slept the recommendation of the special message until now? What has called the attention of the Committee on Foreign Relations to this subject particularly at this time? The chairman of the Committee of Ways and Means had got it into his head, some two weeks ago, that it was important to take up the appropriation bills. He was at that time so anxious and impatient to get at them that he could not spare a few hours or a day for the discussion and amendment of the rules of the House; though, for want of such amendment, we have already lost a full month of the time of this House during the present session; but before we had prepared the rules and orders of our proceedings—before we had got ready the machinery, the tools, by which we were to work—he called upon the House to proceed to the appropriation bills. Well, sir, what happened then? Some discussion arising upon the first bill which was taken up, it was laid aside, and the navy bill was brought up for consideration. That was considered one day, and the next it was slipped away from us—no, sir, I will not say slipped away, for I mean nothing disrespectful—but, sir, the navy bill was in turn laid down unfinished; and, on the motion of the chairman of the Committee of Ways and Means, the bill for the relief of the New York sufferers by fire was taken up, and after speaking some days upon this bill, it was laid aside, according to the practice of the House; for this, sir, is now our practice. There is no remedy under the present rules and order of our proceedings. Every one must see and feel that every decision that is made by the Chair, or by the House, upon the rules, only makes "confusion worse confounded." I know, sir, the embarrassment produced by this state of things. I know, sir, that an honest man in that Chair must feel greatly embarrassed by the present state of the rules of the House. If he is partial, or prejudiced, or desires to favor one side or the other in the House, he has it completely in his power to do so; he has the command of the business of this House. Sir, I do not doubt that you feel this embarrassment.

But to return to the subject. After the New York relief bill had taken its turn, and been discussed a day or two, what did we next see in this House? What did we see on Friday morning last? Why, sir, on that morning, without waiting to receive reports from the standing committees of the House—a most necessary course of proceeding—the House, by an overwhelming vote, set aside all the rules of the House, put aside not only the private bills for that day and the next, but for each succeeding day, and all this for the purpose of taking up for consideration and discussion the resolution of the gentleman from Massachusetts, [Mr. ADAMS,] the strongest party movement I have ever seen in the course of eight years, during which I have had the honor of a seat in this House, made by any member of the House. Where, then, sir, was the special message, and the recommendation of immediate and large appropriations by the President? This resolution, from its nature and necessary connexions, must call for the discussion of every party question or topic which agitated the country during the last summer and fall. Every gentleman who voted to consider that resolution must have seen that the gentleman from Massachusetts [Mr. ADAMS] would not be allowed to make a speech upon the subject of it without a reply. We all know that great political consequences are expected to grow out of the subject of this resolution, by those who manage the interests of party out of this House. We know what use has already been made of this question in the country and before the people. We know where and upon whom it has been attempted to fix responsibility for the failure of the three million appropriation, for political effect. Sir, could less than a month's discussion be expected to arise upon this resolution? Now that the subject is up, and has been partially discussed, can gentlemen mean by this movement to suppress further discussion? Would such a design be consistent with a reasonable liberty of speech in this House? Well, sir, who are they who have brought this measure into the House? It required a vote of two thirds of the House to get the subject before it, and that vote was given. Look at the yeas and nays, and you will discover who are responsible for this movement. Sir, the resolution of the gentleman from Massachusetts is now the business properly in order. It was also the business in order on Monday. Even petitions could not be regularly admitted until this resolution was disposed of. Sir, under such circumstances, the resolution of the gentleman from Virginia, [Mr. MASON,] and his movement in favor of immediate and large appropriations, strike me with some surprise. If there is nothing new, if there is no very recent news from abroad, how is it this proposition is made now and urged upon the House? It will soon be three years since the French Chamber of Deputies rejected the treaty, or refused to make the appropriation necessary to carry it into effect. It is said that the country is in a defenceless condition now; so it has been for the last three years, and no steps have been taken to put it into better condition. No steps were taken or recommended at the commencement of the session. The navy bill, when once taken up, was laid aside. How happens it that there is so great an alarm just at this moment? Has a war panic come upon us so suddenly? Must we vote all the appropriation bills without further delay? Are gentlemen afraid that, if these bills are suspended until the 15th of February, some other information may be received from the other side of the Atlantic, which may satisfy us that extensive preparations for war are not necessary? Do gentlemen mean to get up all the appropriations, and force them through this House, under a war panic, and to throw them before the Senate, that that body may, in turn, be forced to vote every dollar in the Treasury before it is certainly known that any extraordinary preparations for defence will be necessary, or to incur odium with the country of rejecting necessary appropriations? Is the Treasury to be depleted at all events, war or no war? Must the whole revenue be expended? Is there a plan to distribute the surplus revenue, under the pretext of preparation for war, without waiting to know that the special message, if not the first message of the President, may not produce a more conciliatory feeling on the part of France? I do not charge the gentleman from Virginia, [Mr. MASON,] or the Committee on Foreign Relations, with any of these designs. I have no right to do so; but, sir, will the gentleman explain why it is that he proposes that all the appropriation bills shall pass immediately. I must confess, sir, that, under the circumstances, although I do not charge such purposes as I have alluded to as the motive which has influenced the committee, yet, sir, unless such designs are at the bottom of the movement, it is to me wholly inexplicable.

I have said that it appeared extraordinary that the Committee on Foreign Relations should report such a

resolution. It is entirely contrary to all the rules and order of proceeding heretofore known in the practice of this House. But as I find myself again upon the subject of the rules of the House, I will venture to allude to another abuse which exists in the practice of the House. I am aware, sir, to what misconstruction every thing I say upon the subject of the rules and order of proceeding in the House is liable. I know that I am represented by some to be actuated by very improper feeling, but this shall not restrain me from speaking whenever I think the public interest requires that some one should speak. The abuse to which I allude, and which has obtained to some extent, during the present session, is this: honorable chairmen of committees often submit a resolution or other proposition to the members of the committee separately in this House, sometimes in these chambers, and get their consent to report it to this House. This is unparliamentary, and a great abuse; it prevents all investigation and consultation in committee, and leads to great inconvenience and error in the action of the House itself. Reports so made are not the reports of a committee, and ought not to be received by the House.

That I may not be misunderstood in the remarks I have made, before I sit down I wish to state that I stand here ready to vote all necessary supplies for putting the defences of the country upon a proper footing, whenever the appropriation bills shall be brought forward and moved in this House according to the regular ordinary forms of proceeding. I will vote, sir, all the money in the Treasury, if it be necessary, to prepare for war, and to resist the attacks not only of France, but of all Europe. But I wish to see upon what grounds extraordinary appropriations are required. Sir, so far as appropriations are necessary for the immediate service of the navy or the army, so far as the finishing and repairing of our vessels of war, and for our fortifications already in a course of construction, I will vote them even without estimates, and upon my own judgment, if gentlemen upon any punctilio, are averse to furnishing estimates for those objects. And in a question of this kind I am not disposed to weigh the money I would appropriate, in golden scales, as a gentleman from Pennsylvania [Mr Sutherland] insinuated, in reply to my remarks upon the navy bill the other day. Nor, sir, would I be anxious to bring down the sums total to the accurate limit of a few dollars or a few cents. I would take care that the amount should be liberal, and over the mark, rather than under it. Whenever it becomes necessary to pass any particular bill for this purpose, I undertake to say that there will be found patriotism enough in this House--in all parts—in every party in this House, to take it up and vote it through. Sir, there will always be found patriotism enough in the House to do this, without the resolution of the gentleman from Virginia, [Mr. Mason.] I stand pledged to do it, whenever gentlemen shall call upon us to act in the usual mode of making or voting appropriations. But when I am asked to vote all the appropriation bills *en masse*—when I shall be called upon to make an appropriation for new forts, which cannot possibly be made effective in defending the country in any war in which we can be soon engaged, as is proposed; when we are called upon to lay the foundation for the expenditure of at least fifty millions in the commencement of new fortifications and an increased military peace establishment, the necessary consequence of these new works, then I shall meet gentlemen, panic or no panic, war or no war. I will contest every inch of ground with them upon these questions. But why have not gentlemen pressed these bills sooner? Why did they not finish those bills which they had once before the House? And when they were laid aside at one time, why did they not move to take them up again, upon the first opportunity which presented itself? The course taken by gentlemen certainly requires an explanation. A satisfactory explanation is due to this House and to the country upon this point.

As to the war, if we have one, I shall be ready to support it. I shall not stop to inquire into the causes which may have produced it, if it be necessary to the honor and dignity of the country that we should wage it. I can readily imagine that nations, as well as individuals, may, by their own blunders and follies, and for want of diplomatic skill or proper forbearance, find themselves engaged in a quarrel, no matter how frivolous the cause or ground of it, and become so far committed that they cannot apologize, but must fight, no matter at what hazard. Sir, in such a case, I will not shrink from the support of a war. I will remember that it is our country that is concerned; but at the same time I will continue to hold the political agents who may have brought on the war responsible to the country. They shall not escape their due responsibility.

Mr. Bell concluded by expressing the hope that the resolution would not be agreed to by the House.

Mr. SUTHERLAND said, if we did not fall in with the suggestion of the Committee on Foreign Affairs, it would be uncertain when we would be able to get through the appropriation bills.

The abolition question was outstanding, and would elicit a very warm discussion. The proposition of the gentleman from Massachusetts was also in a suspended state, and how were we to progress in the business before us, unless something of this kind should be adopted?

We must rid the House of the many pending propositions before it. Pass the resolution of the Committee on Foreign Affairs, and we cut the Gordian knot at once. The gentleman from Tennessee [Mr. Bell] had said that the present condition of the business of the House was very onerous to the Speaker. It must be so. Next week we will commence with petitions, on Monday and Tuesday the abolition resolution of the gentleman from Maine will be up, and that abolishes every thing like business for the day. On Wednesday, the greater part will be devoted to the committees making reports. Thursday will go for public business, and Friday and Saturday for private. We must there take a stand for the appropriation bills, if we seriously intend passing them. The proposition before the House merely requires that the appropriation bills may have precedence of other business. Some gentlemen say that we must not pass the appropriation bills until we hear from France. We have heard enough from France already. Those gentlemen think it wrong to agree to the bills now, because we might pass them with too lavish a hand. Mr. S. said we ought to wait no longer. Congress had already tarried long enough. We should put our forts in order, to meet any emergency that might occur.

A charge has been made from another quarter, that we were the cause of the loss of the fortification bill of last year. He considered it an absurd question, to be inquiring where the bill was lost, and yet refuse permission to take up the fortification bill now before us. He cared nothing for the dead bills. He was for providing for the living ones, and then, at our leisure, if it was deemed expedient, the House might search after the miscarried bills of last year.

What was asked by the Committee on Foreign Relations? Merely to have those bills taken up by the House; and if gentlemen think the appropriations too large, meet them and vote them down; but do not stop them from being taken up. It was the height of folly to be disputing and quibbling about technicalities, instead of

going to the great question of appropriation. Local matters should give way to national ones; and we should come to the determination to carry the appropriations which would put the country in a proper state of defence. Gentlemen had complained that the House had before it a political question, which was discussed to the exclusion of other business, and might be closed by the previous question. Now, he must say, so far as related to the number of speeches made on that topic, that both parties had an equal chance. The debate had been opened by the gentleman from Massachusetts, [Mr. ADAMS,] and had been replied to by the honorable gentleman from Virginia, [Mr. WISE.] Another complaint urged is, that the previous question is sometimes resorted to to stop debate. That is, however, unavoidable. It must be apparent, that since the increase of members in the House, and so many voices were to be heard, there was no other means of getting many of the measures through the House, than by administering the previous question. All parties occasionally vote for it. He trusted that the resolution might pass to take effect on Tuesday next; and, before it went into operation, we might dispose of what small matters we had on hand. We must take up the appropriation bills for the purpose of sustaining the country; and particularly such bills as will put the country in a position to maintain its honor and dignity against any and every nation that might assail them.

Mr. PATTON said he did not intend to occupy any time in considering whether there was any irregularity in such a proposition being made from the Committee on Foreign Relations—whether it was apposite to their functions, and embraced by the reference made to them of the President's special message. He would, however, as that objection was urged as a reason against adopting the resolution, remark that no practical evil can result from this irregularity, supposing it to be one; no such indirect violation or evasion of the rules of the House as seems to be apprehended from it. It was certainly competent for any individual member to have offered precisely the same resolution as the one presented by the Committee on Foreign Relations. If objected to, he could move a suspension of the rules to offer and take it up, and a vote of two thirds would remove all difficulty. Now, the Chair has decided (and no doubt correctly) that it requires a vote of two thirds to adopt the resolution reported by the chairman of the Committee on Foreign Relations. If there be a majority in favor of adopting that resolution, of two thirds, doubtless the same majority would vote in favor of suspending the rules, if such a vote were requisite to accomplish the object.

No matter how the question is presented, then, we may consider its merits without any embarrassment from the source from which it comes.

Mr. Speaker, we have now been in session some seven or eight weeks, and we have passed none of the appropriation bills.

It is unnecessary, it would be, perhaps, out of order, and certainly premature, to enter into minute details of the circumstances in which we are placed in regard to our relations with another country, showing the propriety and necessity of our proceeding promptly to provide the means of placing the country in a state of preparation to meet all contingencies which might arise. Let us take up, with all convenient speed, and consider with all due deliberation, the various propositions for ordinary and extraordinary appropriations. After so large a period of the session had passed, and especially when, to say the least, our relations with France are not in the most satisfactory state; when it is known that, in the opinion of many, and in the apprehensions of all, a war is impending with a foreign country, is it not time that we should act on the subject in that way which, while it can give no new cause of aggravating the irritation, and increasing the difficulties, will yet place us in a condition to maintain the rights of our citizens and the interest and honor of the country, if, unfortunately, these difficulties should be inflamed into armed collision, and prepare us to maintain the conflict, whether in defence or assault, creditably and successfully? It is hardly possible that any man can doubt that it is peculiarly important that our appropriations, either ordinary or extraordinary, ought to be speedily made; and is there any sufficient objection made to proceeding to do so at the period proposed by the Committee on Foreign Relations? Shall we refuse to do this for the purpose of continuing and indulging, *ad libitum*, what the gentleman from Tennessee calls a mere partisan debate; and for the continuance of which he seems anxious, for the purpose of enabling those who take interest in this party contest, to defend or attack? I agree with him that it is a mere partisan discussion, the introduction of which I most deeply regret. Now, when a foreign country, between whom and our own angry controversies are depending, when she has refused to do that which this House unanimously declared ought to be insisted on, except upon terms which will certainly never be granted—when we have information that this foreign country is increasing her armaments, fitting out a fleet, and sending it on our coast—under such circumstances, I appeal to the patriotism of the House to say whether we ought to postpone acting on the appropriations until this contest between the two Houses about the fortification and three million bill shall be fought out? Instead of proceeding at once to consider the possibility of averting so deplorable a calamity as war, or, if not to be averted, the means of conducting it with honor and credit, a subject requiring harmony, good feeling, and united patriotism, instead of this, we are to employ ourselves in an angry, irritating, party debate, about whether something was not done last session which ought to have been done; and who is or who is not to be blamed for the loss of the three million appropriation and the fortification bill—a discussion calculated to lead, which had already occasioned personal reflections, to exasperate the party passions and inflame the party prejudices of Congress and of the country; to occasion crimination and recrimination between the two Houses of Congress, destructive of harmonious action and respectful feeling.

Let me not be supposed to deprecate the thrusting forward this debate, and the continuance of it, from any indisposition to meet and to bear my full share of the responsibility of voting against that three million appropriation. I gave that vote at the time with some doubt and hesitation. The circumstances under which it was presented precluded all deliberation, gave no time for reflection, and might well excuse any person from very strict accountability, and especially from any harsh imputation of bad motive, for voting either one way or the other. I do not believe that there was one single member of either House of the last Congress, nor one in this House or in the Senate of the present Congress, who would hesitate to empty the Treasury and exhaust the resources of the nation, in defence of the country and in maintaining its rights, whenever they see that it is to be assailed, or that it is necessary to adopt such means for such purpose. We may differ about the best mode of attaining these objects; we may conscientiously differ as to the expediency, constitutionality, and necessity of it; party feelings and party prejudices may warp our opinions and bias our decisions upon the subjects we are called on to act about; but, at heart, I believe no party is entitled to claim for itself the merit of exclusive patriotism.

As to the loss of the fortification bill, it is much to be

regretted, and such is the universal sentiment. Who is to blame for this miscarriage, I know not. Whether the Senate or the House, or some member of this or the other House, is to be censured, I know not. I shall engage in no discussion about it. But as to this three million appropriation, which has been so strangely disturbed in the grave to which it was consigned last session, and whose ghost is made to walk amongst us now, I beg leave to say the phantom "frights not me." I am ready at all times, and in all places, without fear or apprehension, and without any "compunctious visitings of conscience," to vindicate myself for contributing to its surcease. I am better satisfied now, after full opportunity of deliberation and reflection upon this extraordinary, and, I believe, unprecedented appropriation, of the propriety of the vote I gave on that occasion; and while I wish to cast reproach upon nobody else, I will maintain and defend that vote whenever I may be arraigned, at any proper time and before any competent tribunal. I shall make no apology, offer no excuse. I stand upon my justification before my constituents and the country. But I will not be provoked now to encourage and keep up this untimely and misplaced debate here, about what was not done, or ought to have been done, or not done, by the last Congress, to the delay, and probably almost indefinite postponement, of action upon matters involving deeply the rights and interests and character of the country.

I believe it impossible to ascertain the precise facts necessary to be ascertained for determining who is to blame, if any person be particularly to blame, for the failure of the fortification bill. We must rely upon the vague impressions, the contradictory recollections, of members about the time of the happening of particular events, upon which little reliance is to be placed, not from any want of confidence in the veracity of any members, but because of the existence of circumstances which you and I, Mr. Speaker, and every man who was here, know were well calculated to prevent any very accurate observation or remembrance of the occurrences which took place on the last night of the last session. Nearly one half the present House have no interest in this question. They know nothing about the facts; but it is proposed that this discussion shall supersede the consideration of the appropriation bills, in which we are all interested, in which the country is greatly interested, and for the action upon which the eyes of the whole people are anxiously looking. Let us take them up; let them be soberly, deliberately examined, with full discussion, with full examination, with the recommendations and the estimates of the proper Departments, and with proper and constitutional restrictions of executive discretion, limitations of purpose, and specifications of object. Let us approve what is worthy of approbation, and demanded by a wise policy, and reject what we may not be satisfied is proper or necessary. I feel much solicitude that we should do so. There is one subject now depending before the House, in relation to which he felt a deep and must painful anxiety, in which the rights, interests, and property of the whole southern country are most seriously implicated. I have (said Mr. P.) most strenuously exerted myself to bring this subject to decisive action, to a direct vote. I hope, though not with confidence, that we may get that vote without much more delay. But while I will postpone that subject to no other business, I should feel myself impelled, by the obligations of duty to the whole country, to put off even that decision, for the purpose of taking up and acting upon the appropriations essential for the support of the Government, for remedying the evil of the failure of the fortification bill, and for preparation for possible, if not probable, contingencies that may arise.

I should be sorry, Mr. Speaker, to be understood as intending to express the opinion that war is impending. I know the importance which is given to such opinions in some quarter or another, uttered on this floor, even from so humble a member as myself. I do most sincerely hope, Mr. Speaker, that this deplorable calamity may, in the providence of God, be averted consistently with the rights and honor of the country. But I cannot shut my ears and eyes to what is passing around us, calculated to weaken the confidence I might otherwise have in these hopes. If they should be falsified, let us endeavor to be prepared to meet it when the war comes.

Mr. REED said he felt the force of the remarks of the gentleman, when he said the country needed defence; he perfectly agreed with him; but he thought it would be the best course for the Committee on Foreign Affairs to present its own measures to the House, and let the House proceed to the appropriation bills in their usual mode.

Mr. MASON, of Virginia, said that it had not occurred to the Committee on Foreign Affairs that they would have rendered themselves obnoxious to the charges which had been brought against them. The resolution proposed interfered with the duties and jurisdiction of no committee of the House. It related to the business in the House, or in Committee of the Whole House on the state of the Union. It would be remembered that, when, some days since, the chairman of the Committee of Ways and Means proposed an extraordinary appropriation to the naval bill, in reference to the peculiar posture of public affairs, the honorable gentleman from South Carolina, [Mr. THOMPSON,] in a strain of fervid eloquence, objected to the proposition, as resulting from subjects peculiarly within the jurisdiction of the Committee on Foreign Affairs. That gentleman had also declared that, if the occasion required, he was ready to exhaust the Treasury in a patriotic defence of the rights and honor of the nation. Mr. M. believed that these were the sentiments not only of that gentleman, but of the whole of the gallant and chivalrous people represented on this floor.

He was sensible of the delicacy and responsibility of his situation. Humble and comparatively unknown to the country as he was, he was yet aware that, in the state of anxiety at present existing, whatever proceeded from the committee of which he was the organ would be regarded with some degree of interest. The committee had not intended to agitate the public mind, by declaring any belief that the differences between this country and France, were to terminate in war. But they felt that they would be equally criminal to encourage a fatal apathy, a false security, by crying peace, peace, when there might be no peace. Entertaining these opinions, all that they meant to say was, that the relations of our country, not only with France, but with another nation, independently of our Indian affairs, were so equivocal and critical as to make it the duty of Congress to use its constitutional power in preparing to resist aggression and to protect our rights. To what extent appropriations for these objects should be made, was left by the Committee on Foreign Affairs to the decision of the House.

It has been said, more than once, that this country is unprepared for war. This is true. But it is strange that such an argument should be used against measures of preparation. In time of peace the country will hardly ever be prepared for war. The genius of our institutions is opposed to large military establishments, and it is not expected that they can be collected at a moment's warning. The panoply of war is not suited to the full exercise of our energies in pursuit of individual happiness in the season of peace. But when our country is surrounded by circumstances of danger, when our rela-

tions with foreign Governments render it possible, not to say probable, that we cannot preserve the honor without disturbing the peace of the country, it seemed to him to be the highest, the most solemn duty of republican statesmen, to put in requisition the vast resources of the country, and to assume an attitude of preparation which would enable us to protect our rights, and to resist the aggression of others. These were the feelings and motives of the Committee on Foreign Affairs. They did not say that there would be war. He prayed God to arrest such a calamity; but great as the evils of war were, there were greater still which might befall the country—the loss of its honor, and, with it, the loss of national security.

It was not for him to say that there had been no errors in our negotiations with France. In the arduous, protracted, and delicate diplomatic intercourse which had occurred between the two Governments, the President of the United States might congratulate himself on singular good fortune, if no step had been taken which it would be desirable to retrace. Mr. M. said that he believed this congratulation might be offered; but this was not the occasion to discuss that subject. He certainly would not, with the gentleman from Tennessee, [Mr. BELL,] admit that our Government had fallen into errors in common with France. He believed the present occasion required all the energies of this vigorous republic to be put into requisition; and he should, by his vote, endeavor promptly to effect that object.

Mr. M. said that the objections urged by the gentleman from Tennessee [Mr. BELL] were of a character which he had not expected from that quarter. That gentleman says, no doubt with perfect sincerity, that he is prepared to vote supplies for defence, when the honor and interest of the country require them. I may ask, (said Mr. M.,) does the proposition of the Committee on Foreign Affairs require him to give such vote, unless called for by those high considerations. The adoption of the resolution only puts it in the power of the House to act promptly and speedily on these important measures, and the necessity of each must be considered as it is proposed.

The honorable gentleman from Tennessee has animadverted on what he has been pleased to call abuses which have grown up in the House; to one of which he has especially referred: the practice of chairmen of committees going to members of their committees in their seats in the House, separately, and obtaining their consent to report certain measures.

[Mr. BELL said he had not made a charge against any one. He had said the practice was unparliamentary, and had led to error.]

Mr. MASON said that he had understood the gentleman to disclaim the application of his remark to the Committee on Foreign Affairs. Mr. M. said, though he was sure such was not the gentleman's purpose, others might suppose that such application was appropriate; and he therefore took occasion to say that he had, on his own sense of duty, more than a week since, presented the resolution to the Committee on Foreign Affairs, when all the members were present; and that it had been considered and discussed from day to day, until its adoption, in a spirit of harmony and patriotism, which gave him the highest satisfaction.

The gentleman from Tennessee considers the circumstances under which this resolution is offered inexplicable, unless to be explained in some one of the modes suggested by him. These suggestions did not appear to imply very worthy motives on the part of the committee; but the imputation of such motives was not intended by the gentleman, because they were disclaimed. They seemed to be all connected with an approaching election by the people to the highest office of the republic. Mr. M. said that, for himself, he could safely say that he would never, in the discharge of the responsible duty which he owed his constituents on that floor, introduce propositions, or give his vote, or conduct debate, with the purpose of operating on elections by the people. This morbid illusion disturbed the fancy of some gentlemen, but with him it had not so paramount and absorbing an influence. He did not consider it compatible with his duty, and he believed such to be the sentiment of the committee.

The gentleman from Tennessee asks, if the purpose be to stifle discussion on the great subjects before the House? Mr. M. said that, in regard to the resolution of the gentleman from Massachusetts, such was not and could not be the object, because he had submitted his proposition to the committee some days before he knew that such a proposition would be presented to the House.

On the other great question, the abolition subject, Mr. M. said he was happy that the allusion had been made. He considered it one of the highest duties of the House to decide the questions involved in that subject. He had uniformly acted with that view, and still earnestly hoped to see a decision, calculated to allay excitement, and meet the just expectation of the public. He must be excused, if, with entire deference to others, he did not see the advantages which were supposed to result from an elaborate discussion of that subject here. He wished to see it decided; and, to accomplish this desirable object, the Committee on Foreign Affairs had postponed the commencement of the order proposed for a week. For himself, he could safely answer, and he believed he could for the committee, that this late day was fixed to give to the House an opportunity to dispose of that subject especially, and to adapt its business generally to the operations of the new rule.

Nor was it the purpose of the committee to deplete the Treasury, and thus forestall the consideration of the proposition to divide the surplus revenues of the Government. The measure and extent of preparation and expenditures would be for the House to determine, when the subject was presented for consideration. The gentleman asks why this resolution is suddenly brought forward, under the influence of the panic of a French war. That committee was as little under the influence of pusillanimous fear as any other; and is this the term by which the desire to provide for the necessary defence of our beloved country, in the hour of her danger, is to be designated? Does the gentleman see in our foreign relations any thing showing so great a certainty of a pacific result, that the introduction of this resolution is only to be explained by a groundless panic, gotten up for sinister purposes?

[Mr. BELL said he had made no charge against the committee, in relation to a war. He had said that the tendency of the resolution would be to push all the appropriation bills through at once, before we could find out that they were needed.]

Mr. MASON said that he would not misunderstand the gentleman, much less misrepresent him. The gentleman supposes that one effect, if not an object, of this resolution will be, to "push through" the appropriation bills. I submit it to the honorable member, whether, if an inquiry were addressed to him, if such an intention was entertained by him, he would consider it very decorous, especially when the committee introducing the proposition had no charge of the bills. But no reflection on the committee, I am sure, was intended. But to show that this apprehension was wholly unfounded, Mr. M. had only to advert to the fact that the appropriation bills mainly embraced by this resolution were in the Committee of the Whole on the state of the Union, where they must be freely discussed, uncontrolled by the will of a majority, however large, or the application of the previous question.

It is objected to this resolution, that it embraces bills making appropriations for departments of the Government not connected with our foreign affairs, and therefore ought not to be adopted. This might seem to be a good reason for amendment, but not rejection. The committee, however, entertain the opinion, that in making appropriations for the support of Government, and to meet its diversified wants, it is convenient, if not essential, that the House should have the whole subject before it; thus contemplating, at one view, the resources, the exigencies, the necessary expenditures of the Government, the means of the Treasury, and the drafts to be made on them; and thus the appropriations for the Indian department had an important connexion with those for the naval and military service. But we are told that we must wait until we hear from France. It appeared to him wise to wait, before we took any decisive step on the subjects in controversy between the two nations; but it indicated fatuity, rather than a wise forecast, to postpone all measures of preparation in our unprepared state until the arrival of intelligence, which might disappoint our hopes and our expectations, and require the vigorous use of all of our resources.

The gentleman had said that the reference to the President's message was an artful appeal to the influence of a name, which was dragged in on many occasions not very appropriate. The honorable member disclaimed any offensive meaning in the term employed, and, Mr. M. said, he was sure that, if the gentleman did not, the House would perceive that the reference was rendered necessary by the objection of the gentleman from Kentucky, as giving the jurisdiction of the committee.

Mr. M. concluded by saying, that if, under the ingenious and accumulated objections which had been urged, the resolution should not find favor with the House, he and his honorable colleagues on the committee would have done their duty. And if future events, which none can foresee, shall show that its adoption might have saved our country from shame and disaster and outrage, they will deserve no portion of the deep and loud condemnation of the country.

Mr. CAMBRELENG said he was happy that the gentleman from Virginia [Mr. MASON] had introduced the resolution to call up the appropriation bills; he had only anticipated the wish of the Committee of Ways and Means. As to the question of jurisdiction, at a crisis like the present, it was mutual with the Committees on Military, Naval, and Foreign Affairs, and Ways and Means. When he had first proposed to take up the appropriation bills, some time since, the gentleman from Tennessee [Mr. BELL] wished to interpose, doubtless from proper motives, a discussion on rules and orders. Subsequently the abolition question came up. In that state of the case, Mr. C. said he did, feeling the extraordinary and urgent necessity of the measure, ask the consideration of the bill for the relief of the sufferers by fire in the city of New York, never dreaming that it would be opposed day by day, and inch by inch, as it had been. He had supposed that the House would meet it and pass it promptly, as the Senate had done.

We had, however, been disappointed; but he still believed that, but for the debate on the bill, it would have been ordered to a third reading on the very day it came from the Senate. He felt too anxious for the passage of that bill to detain the House by debating the question whenever it should come up again. With regard to the question introduced by the gentleman from Massachusetts, [Mr. ADAMS,] duty to himself compelled him to speak upon it. He should not shrink from the discussion, but should meet it fearlessly and honestly, let the responsibility fall where it might.

The gentleman from Tennessee [Mr. BELL] had also inquired what course the Committee of Ways and Means would pursue. As one of that committee, he would say that it was his design to separate the bills for ordinary appropriations from those for extraordinary purposes, understanding that these appropriations were first required. The gentleman from Tennessee would, next in order, have full opportunity to oppose or to discuss the extraordinary appropriations which would be required to put the country in a proper state of defence. It was not proposed to resort to the previous question; the very object of fixing an early day was to afford gentlemen every opportunity to discuss the appropriations as they ought to be, and not driven through, from necessity, and without debate, at the close of the session. One word as to the objection to the manner of introducing the resolution. The interests of the country had suffered last year from too nice an attention to forms; and the country was left defenceless. He trusted that the time had arrived when the great interests of the country would no longer be sacrificed to the miserable consideration of forms, forms, forms.

Mr. W. THOMPSON said he would vote for the resolution, because he had just learned from the gentleman from Florida [Mr. WHITE] that he had an amendment to add to one of the bills, authorizing the President to enlist a regiment of one thousand mounted men for the protection of Florida from the inroads of the Seminoles. He was fearful that that war was not speedily to be put down; and he felt that every consideration ought to give way to prompt and efficient measures to put an end to that bloody strife. He was opposed to appropriating money, unless for specific objects, and he could not do so unless the Department sent in statements showing what money was actually needed. He had not the remotest idea that France would commence hostilities; but if she did, he would not treat with her until the whole nation should be clad in armor; and, so far as he was concerned, he would not only empty the Treasury, but he would empty every American vein, in defence of the just rights of the country.

Mr. HOWARD said, that being under the impression that this resolution ought to pass, and moreover ought to pass to-day, he would give the House an opportunity of terminating the debate, if such should also be its opinion. But being a member of the committee from which this resolution emanated, and therefore conversant with the views which induced that committee to propose it, he felt it to be his duty to say a few words in explanation. That that committee had been actuated by a view of producing any result upon the presidential election, or that the idea had ever occurred to them that any person could draw such an inference, he utterly denied, and could not have been more astonished if the earth had suddenly yawned at his feet, than he was when the gentleman from Tennessee [Mr. BELL] had supposed that it would affect that delicate subject. The committee had been guided alone by their sense of duty to the House and to the nation; and he took leave to say that, in his opinion, Congress was far behind the public feeling of the nation, in permitting our fortifications and other means of defence, to continue in their present condition. We had a thousand miles of seacoast, more unprotected than it ought to be, exposing hundreds of thousands of lives and hundreds of millions of property to a danger which, however slight, could not be totally overlooked. Having the state of our foreign relations committed to their charge, the committee had anxiously devoted their attention to the existing attitude of the country; and although he believed that the committee did not expect war, nor were they desirous to take any step which ought to bring it on, yet it was impossible to contemplate the posture of affairs without feeling the propriety of employing some of the surplus money of the Treasury to-

wards objects of public safety. Without entering at all into the examination of our relations with France, he might be permitted to say that the present unequal condition of the two nations, one in the full enjoyment of the benefits of the treaty, and the other not, ought not to continue; and should the Committee on Foreign Affairs even propose to disturb this one-sided condition of our commercial relations, who can say that it would be looked upon with complacency, and not resented, by France? Her sensitiveness on the subject of her produce and manufactures was well known; and no member of this House could undertake to predict her future course with such certainty as to postpone the passage of even the ordinary, much more any extraordinary, appropriations. The whole of the special message of the President, with all its recommendations, had been sent to the Committee on Foreign Affairs; and that committee could be enabled to take a wider view of the condition of the country, after the House should have passed upon the appropriation bills, than they could now. The eyes of the whole nation were earnestly fixed upon Congress; and the committee were fully sensible of the extreme delicacy of the task committed to their charge. Having nothing in view but a sincere zeal to promote the honor, dignity, and interest of the nation, they had submitted to the House the proposition before them; upon which, he hoped, they were now prepared to vote.

Mr. H. then demanded the previous question; but, at the request of several members about him, waived it for the present.

Mr. HARDIN said he had hoped, with his friend from Tennessee, [Mr. BELL,] that we might have taken up, discussed, and adopted, rules for the government of the House. Rules were intended as a protection to the minority, the weaker party. The strong and powerful needed no protection; but the weak and powerless did. So far as the protection of Florida was concerned, from the inroads of a savage foe, he would to God that five thousand of the best bloods in America were in the midst of them; and he had looked for a proclamation from the President, calling on Tennessee and Kentucky for volunteers. We would then see that those States would furnish ample force to put down the Indians, and put them down in a way that would be a guarantee for the peace of that country. And so far as our foreign relations were concerned, he would say that, if the country was brought into collision with France, he would never stop to inquire how we got into it, or to argue about constitutional rights, but would go for the United States, right or wrong. He was opposed to appropriating money for fortifications, and was opposed to the fortification system. We needed no bulwarks along our steeps. We had already appropriated forty or fifty millions for fortifications, and we are now told that we had not one hundred guns mounted. If that money had been appropriated for our navy, we might have had one that would have been able to protect our coast from invasion. He felt that our foreign affairs were standing on a slender foundation, upon a mere nothing; and when it came to be either a war or an apology, he would rather spend a hundred millions than that the President should make an apology; and he was aware, from the well-known character of the President, that there would be no apology from him. But he was opposed to our arming at present, because it might be considered just cause of war. France might, according to her former practice, strike the blow the moment we commenced arming. He would go a reasonable length, but it was difficult to say how far we should go. He would at present vote against any appropriation bill that looked like a war measure, but he did not say that in two weeks he might not vote for as large appropriations as other gentlemen.

Mr. VANDERPOEL said he would not expose the motion he was now about to make to the objection that had been urged to the motion a short time ago, submitted by the honorable gentleman from Maryland, [Mr. HOWARD.] About two speeches against the resolution had been made to one in its favor; and, without making an argument, he moved the previous question.

The motion was seconded: 113 to 86.

The question, Shall the main question be now put? was decided in the affirmative.

Mr. CRAIG asked for the yeas and nays on the adoption of the resolution; which were ordered, and were:

YEAS—Messrs. Adams, Anthony, Ash, Ashley, Banks, Barton, Beale, Bean, Beaumont, Bockee, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Bynum, William B. Calhoun, Cambreleng, Carr, Casey, Chaney, Chapman, Chapin, Childs, Clark, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushing, Cushman, Darlington, Denny, Dickerson, Dickson, Dromgoole, Efner, Fairfield, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Glascock, Grantland, Haley, Hamer, Hannegan, Hard, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Hiester, Hoar, Holsey, Hopkins, Howard, Hubley, Hunt, Huntington, Huntsman, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Joseph Johnson, Richard M. Johnson, Cave Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Lawrence, Lay, Gideon Lee, Joshua Lee, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, May, McKay, McKeon, McKim, McLene, Miller, Montgomery, Moore, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, James A. Pearce, Pettigrew, Phelps, Phillips, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, Augustine H. Shepperd, Shinn, Smith, Spangler, Sprague, Steele, Storer, Sutherland, Taliaferro, Taylor, John Thomson, Toucey, Towns, Turner, Turrill, Vanderpoel, Wagener, Ward, Wardwell, Washington, Webster, Weeks—159.

NAYS—Messrs. Chilton Allan, Heman Allen, Bell, Bond, Bunch, John Calhoon, Carter, George Chambers, John Chambers, Nathaniel H. Claiborne, John F. H. Claiborne, Corwin, Crane, Deberry, Dunlap, Evans, Everett, Rice Garland, Granger, Graves, Grayson, Grennell, Griffin, Hammond, Hardin, Harlan, Harper, Hazeltine, Howell, Ingersoll, Jenifer, Henry Johnson, Luke Lea, Lincoln, Love, Samson Mason, Maury, McKennan, Mercer, Milligan, Peyton, Pickens, Pinckney, Potts, Reed, Rencher, Robertson, Russell, Shields, Slade, Sloane, Standefer, Waddy Thompson, Underwood, Vinton, White, Whittlesey, Lewis Williams, Sherrod Williams—59.

SEMINOLE WAR.

Mr. CAMBRELENG, from the Committee of Ways and Means, reported a bill making an additional appropriation of $50,000 for repressing hostilities on the part of the Indians in Florida.

Mr. C. adverted to the propriety of a speedy action on the bill, and, by unanimous consent, moved that the House go into Committee of the Whole on the state of the Union upon the same; which was agreed to.

The House then went into committee, Mr. HOWARD in the Chair, upon the foregoing bill.

Mr. WHITE moved to amend the bill by adding a section authorizing the President of the United States to cause to be enlisted a regiment of 1,000 mounted riflemen, by and with the consent of the Senate, for

twelve months, if, in his discretion, he should deem it necessary.

Mr. W. briefly supported the amendment. He said all accounts from Florida represented the Territory to be in a most distressing condition. Three entire counties were already desolated by the Indians. Their numbers were not known, and the melancholy information received from the inhabitants of those counties, as well as the destruction of the detachment of the United States troops, showed that these men had been equipped for action for a long time. A portion of them had been armed by the Government of the United States, with a view of their going to the west of the Mississippi river, and another portion had received arms from smugglers and others. Mr. W. knew that the number of Seminole Indians had been greatly underrated, and it was known there were not less than 1,200 or 1,500 men, who had captured already about 250 slaves, and those slaves who would not operate with them they intended to transport to the island of Cuba.

Now, the first question was, what was the best mode of putting an end to these disorders? It was impossible to draw the militia in the southern States this season, nor in the spring of the year; and if the Indians were not entirely subjugated before the warm season, it would then be rendered impossible. He believed that in the course of three or four weeks a sufficient force might be raised to put an end to these hostilities by June or July; and if these troops should be unemployed, he understood that other portions of the United States wanted them at that time. Information had been received by the Secretary of War, that the Creeks were in a very troubled state. He could assure the House that the whole Territory of Florida would be desolated in a very short time, unless the Indians were repressed. Under these circumstances, he hoped there would be no opposition to the amendment. He believed it proposed the best and most efficient means of putting an end to a war which had already caused a great sacrifice of lives, both of officers and men, on their march from Tampa Bay to join General Clinch. Mr. W. had himself received letters from officers at Tampa Bay, stating that the attack was made by no less a force than eight hundred Indians.

Mr. HUNTSMAN was for receiving volunteers as well as regulars, and spoke of the advantages of that description of troops over persons enlisted. His own county would raise five hundred men.

Mr. HARDIN offered a proviso authorizing the President of the United States to disband the force at an earlier period than twelve months, in case their services should be no longer required.

Mr. WILLIAMS, of North Carolina, moved to add the word "required" to the amendment; which Mr. HARDIN accepted as a modification.

Mr. ADAMS opposed the modification, as an unprecedented requisition upon the Executive.

Mr. VANDERPOEL begged to inquire if the amendment of the gentleman from Florida had the consent of the Secretary of War.

Mr. WHITE believed it would have, and pledged himself to withdraw it when the bill came into the House if it had not.

Messrs. ASHLEY, RIPLEY, and UNDERWOOD, opposed the amendment; and, after a few words in its favor by Mr. GLASCOCK, Mr. WHITE withdrew it.

Mr. SHIELDS then moved an amendment authorizing the President of the United States to accept the services of 1,000 volunteers, for the period of nine months; which, after some remarks from Messrs. SHIELDS, W. C. JOHNSON, CRAIG, and WHITE of Florida, was negatived.

The committee then rose and reported the bill without amendment to the House, and it was ordered to be engrossed and read a third time.

The bill, having been engrossed, was then read a third time and passed.

After doing some other business, the House adjourned.

WEDNESDAY, JANUARY 27.

LAST YEAR'S FORTIFICATION BILL.

The House proceeded to the consideration of the following resolution, heretofore offered by Mr. J. Q. ADAMS:

Resolved, That so much of the message of the President of the United States to Congress at the commencement of the present session as relates to the failure, at the last session of Congress, of the bill containing the ordinary appropriations for fortifications, be referred to a select committee, with instructions to inquire into, and report to the House, the causes and circumstances of the failure of the bill.

The question being on the motion of Mr. WILLIAMS, of North Carolina, to amend the bill by adding "with power to send for persons and papers"—

Mr. CAMBRELENG said it was not his design to detain the House long in discussing this very grave question of the loss of the appropriation of three millions for the defence of the country—the true issue between the two Houses. Concerning the bill making ordinary provision for new fortifications, there was no contest. The controversy between the Senate and the House was not about fortifications to be finished, perhaps in 1840, but about the three million appropriation in 1835, for arming forts already completed, and for increasing our navy afloat. The inquiry was, who left the country defenceless, after the message of the President communicating the correspondence with France, and after the unanimous resolution of the House, that the execution of the treaty should be insisted on; and at a crisis, too, when the question of peace or war depended on the caprice of a Government denying us justice, and regardless of its faith. That was the appropriation to which the attention of the nation was directed, and in the fate of which our national interest and honor were directly involved; that was the only issue now pending between the two Houses, and on which the country had already and very justly decided.

He regretted that he was obliged to engage in an inquiry after lost appropriations, when the time of the House could be so much more profitably employed in devising measures for the national defence, war or no war; but (said Mr. C.) I am not at liberty to be silent in this debate: the combined attacks on me in both Houses oblige me to defend myself. In doing so, I shall be compelled to notice some of the statements of the gentleman from Virginia, [Mr. WISE.] I shall not, Mr. Speaker, in discussing this question, introduce names—they are of little moment in any debate. Not even the illustrious name of the gentleman from Virginia could add the weight of a feather to my argument. You would never tolerate it, sir, and I am sure the House would be astonished at my indecorum, were I to designate the gentleman as "Mr. Wise;" and courtesy would certainly not permit me to call the gentleman otherwise. No, sir; I hope I shall never be tempted on any occasion, even by the wild rant of disappointed ambition, to forget my own self-respect, or my regard for the dignity of this House, so far as to treat any gentleman with disrespect. In the present instance, Mr. Speaker, I shall not only treat the gentleman with the utmost respect, but even with tenderness. It would be unkind, indeed, to treat otherwise the innocent, the unsuspecting, the penitent victim of that stupendous fraud which the gentleman from Virginia has so recently discovered; that stupendous conspiracy which the President, you, and I,

were plotting last year, to betray the gentleman, undermine our constitution, and destroy our Government. No, sir; it is far, very far, from my purpose to engage in any parliamentary tournament with the gentleman from Virginia; but, should I ever be forced into any such contest with any gentleman, I hope it will be my fortune to encounter some more formidable antagonist than "Buckingham with his rash levied strength."

Before I proceed, Mr. Speaker, to discuss this question, I must do an act of justice to an honorable Senator from Massachusetts. A day or two since, I announced my intention to notice an attack made upon me in the National Gazette of Philadelphia, in March last, founded upon information derived, among other sources, "from Senators of the highest character." In that journal it was stated that the Vice President and Secretary of State had advised me to let the fortification bill die in the House, to prevent the responsibility of its failure from falling on the President—a statement which was immediately pronounced, both by the Secretary of State and myself, to be false, upon whatever authority founded. And now, sir, for the origin of this poor slander. The Vice President and Secretary of State were in this House, and about leaving it, when the committee of conference returned to it. The Secretary of State, from whom the estimate for the three million appropriation had been received, inquired the result of our conference, and, on learning it, expressed the opinion, in which I entirely concurred, that eight hundred thousand dollars was a pitiful appropriation for the defence of a nation. Not one syllable passed between the Vice President and myself. Sir, there was no secret, no mystery, about the matter; it was in the presence of the whole House, and every syllable uttered might have been heard by every gentleman near. As chairman of the committee of conferees on the part of the House, whatever may have been my opinion as to the inadequacy of the appropriation, I should have immediately reported the compromise, but for the obstacles which I shall state in their proper order. Every gentleman near me, without reference to party, knew that such was my intention.

Such was all the foundation for the statement in the National Gazette. That statement I ascribed to the Senator from Massachusetts, the authority referred to being a Senator of "the highest character." I am happy to say, sir, that, since the last day's debate, I have received the most satisfactory assurance that that honorable Senator was not the authority relied on by the editor; and I take far more pleasure in doing justice to that gentleman than I should have done in defending myself from the attack. I make the acknowledgment with the greater pleasure, because, throughout the remarks of the honorable Senator, he has not condescended, he has not stooped, to notice this miserable scandal; he has resigned all the honor of nourishing and cherishing this poor and contemptible slander to some unknown Senator, and to others who have no loftier ambition.

Gentlemen who feel themselves accountable to the nation for leaving our country unprepared to meet any emergency which might have grown out of our relations with France, have pleaded their utter ignorance of the necessity for any such preparation, and of any proposition for defence, till the last night of the session. What, sir, is the notorious history of this appropriation? Our affairs with France remained in an uncertain attitude till the last days of the session; and this House suspended its action upon the question, in the hope that some intelligence would arrive. None reached us of a pacific character. The minister of France had been recalled, passports had been tendered to our minister, and he had also been recalled. Every thing wore a belligerant character. At that crisis, the President, in his message of the 25th of February, communicates, as soon as it was received, the correspondence with the French Government, and in conclusion says:

"The subject being now, in all its present aspects, before Congress, whose right it is to decide what measures are to be pursued in that event, [Mr. Livingston's return,] I deem it unnecessary to make further recommendation, being confident that, on their part, every thing will be done to maintain the rights and honor of the country which the occasion requires."

Thus the Chief Magistrate of the nation submits this question at a critical period to Congress, "confident that, on their part, every thing will be done to maintain the rights and honor of the country which the occasion requires." When that message came to the House, on the 26th of February, I submitted three resolutions, which had been previously considered by the Committee on Foreign Affairs.

The third resolution recommended contingent preparation for any emergency which might grow out of our relations with France. These resolutions, and the President's message, were referred to the committee. The next day the committee made a report, which contained the following extract:

"The bill now before the House, authorizing the sale of our stock in the Bank of the United States, would, if adopted, afford all the revenue necessary. The committee is of opinion that the whole, or a part, of the fund to be derived from that source should be appropriated for the purpose of arming our fortifications, and for making the military and naval preparations for the defence of the country, in case such expenditures should become necessary before the next meeting of Congress."

The third resolution appended to that report was, that contingent preparation ought to be made to meet any emergency growing out of our relations with France. That report, and the resolutions, were adopted by a majority of the Committee on Foreign Affairs, and proposed, not merely an appropriation of three millions, but of the whole proceeds of our stock in the Bank of the United States, if necessary, for the public defence.

When these resolutions came up the day after, I stated that, to secure unanimity, I should withdraw the third resolution, as I intended, when the Senate's amendments to the fortification bill should be under consideration, to offer an amendment appropriating three millions, which I had learned would be all that was deemed necessary by the Executive; thus substituting, for a mere declaratory resolution, an actual appropriation for the defence of the country. Such, sir, is the published history of this preparation for defence, about which gentlemen seem to have been so utterly ignorant. The President's message, the report and resolutions of the committee, and the unanimous resolution of the House to insist on the execution of the treaty, were before the world; still gentlemen were ignorant of the whole affair, and waited for estimates from the Departments, and an executive order. Journals on all sides were calling on Congress to place the country in a state of defence; the fire of patriotism was kindled throughout the land, and lighting every spot in the Union, save one dark chamber, into which that light could never penetrate; there all was midnight.

Other apologies are made to the country, sir: estimates were not submitted by the Department, and the form of the amendment was unprecedented, unconstitutional, and monstrous. I shall presently show on what foundation, legislative or historical, this latter objection rests. As to the estimate, you will recollect that you, as chairman of the committee of Ways and Means, united with me in a note to the Secretary of State, inquiring what amount would be required, and that his answer was,

one million for the army, and two for the navy, including fortifications, ordnance, and increase of the navy. It was upon that estimate the proposed amendment was founded. And now, sir, for this formidable amendment; here it is, sir:

"*And be it further enacted*, That the sum of three millions of dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the navy, provided such expenditures shall be rendered necessary for the defence of the country prior to the next meeting of Congress."

This infernal machine, which was to blow the gentleman from Virginia, the constitution, and the Government, to atoms, was contrived here, sir, in concert with a former Representative from Virginia, and a member of the opposition, a gentleman of the highest standing for ability, honor, and integrity, and universally esteemed in this House. I mean a gentleman who was formerly chairman of the Committee on Foreign Affairs. I drew the section, and submitted it to him. He proposed an amendment, and here are the words, "shall be rendered," in his own handwriting. As originally drawn it reads, "provided he shall deem such expenditures necessary." As amended by the gentleman from Virginia, it was, "provided such expenditures shall be rendered necessary." Such, sir, was the origin of the celebrated section which startled the Senate, and shook the Government to its foundation.

And what, sir, was the history of this appropriation? I proposed it in the House; it was adopted by a large majority, including some fifteen opposition votes. It was sent to the Senate; and how did they receive a mere proposition to put the country in a state of defence, should it become necessary? Was it treated with ordinary respect, and referred to a committee? No. Was it examined in form or substance? Was the slightest disposition evinced to make any contingent provision for defending the country in case of war? No, sir; no effort was made to modify the section in form or amount—none whatever to defend the country. The Senate seemed outraged at the American spirit of the House; they appeared to receive it as a rebuke of their resolution to oppose the recommendation of the President, and to reject every measure designed "to maintain the rights and honor of the country." It was not the form, nor the objects, nor the amount, of the appropriation; it was the predetermined resolution of the Senate, upon a question between this country and a foreign Power, to resist the House, the President, and the country. That was the origin of the motion to reject the appropriation, and of the violent and extraordinary movement of that body. It was rejected. The House insisted on its amendment, and sent the appropriation to the Senate a second time. Had the Senate, even at that hour, treated the House with ordinary courtesy; had it insisted, and asked a conference, the bill and the appropriation, or a part of it, might have been saved. Contrary, however, to all parliamentary usage, and animated by a determined spirit of resistance, that body would not condescend to ask a conference; but, in the second stage, adhered to its disagreement, and left the bill, appropriation and all, to their fate. When that message was announced, I immediately moved to adhere; and if this House had done itself justice, the motion would have prevailed. But the motion was superseded by one to insist and ask a conference. The House yielded, and solicited a conference, notwithstanding the repeated indignities of the Senate, and the committee was appointed on the part of the House.

The committee of conference waited only till the message was sent to the Senate, and to learn whether that body had, on its part, agreed to the conference, and even of that no official notice was ever received. In the mean time, the Cumberland road bill was on its passage, and two of the members of the committee voted on it immediately before leaving the House.

The hour when this committee was appointed has been much discussed, and gentlemen are appealing to their recollections. Whatever confidence I may have, sir, in their integrity, they must pardon me for rejecting their testimony, resting as it does on their memory of the transactions of that night. I rely on the journal of this House, recorded as it is by the Clerk, and corrected by the Speaker, and on the reports of our proceedings in the public journals. These prove unanswerably that the first business of moment after the appointment of the committee was the Cumberland road bill; and although that bill was taken up some minutes before 12 o'clock, the ayes and noes occupied some thirty minutes or more, and it did not finally pass till after that hour.

But the gentleman from Virginia has made a new discovery. The committee, it now seems, had time to wait till our Clerk could carry the message to the Senate, to learn the Senate's agreement to the conference, to meet the conferees in the other wing of the Capitol, debate and adjust this most difficult compromise, and return to this House in time to vote on the Cumberland road bill. To support this new and extraordinary position, we are gravely referred to our journal, containing two pages of proceedings; and what is this mass of business recorded? Two reports from the Committee on Enrolled Bills!—occupying probably two or three minutes, and made undoubtedly (for such reports are usually made in that way, during the last night of the session) while the Cumberland road bill was under consideration. The only other item upon the journal, and the only business intervening between the appointment of the committee and proceeding to the consideration of the Cumberland road bill, was the concurrence of the House to the Senate's amendment to a military bill. The gentleman from New Hampshire [Mr. Hubbard] and myself left the House as soon as we had recorded our votes against the Cumberland road bill. But, sir, this question is settled by the journals of the day, and even by the journal of this House. However it may suit the purposes of gentlemen to take new ground, they cannot destroy the record of the proceedings of that night. I then stated, in the presence of all the members of the committee of conference, and of the members present, what appears upon the face of our own journal: "that from the vote on the resolution granting compensation to Robert P. Letcher, which was decided at the time the committee returned into the House from the conference," &c. The arguments of gentlemen can never destroy the record.

I will now ask the Clerk to read the proceedings of the House, from the time of the appointment of the committee till its return, as reported for the National Intelligencer. The name of Mr. Hubbard is accidentally omitted as a member of the committee.

[The Clerk then read from the Intelligencer a long account of the proceedings, from which the following are extracts:

"The motion to ask a conference was agreed to; and Messrs. Cambreleng and Lewis were appointed the committee of conference on the part of the House.

"Mr. Hardin asked if the House was not virtually dissolved by the expiration of the term for which this Congress was elected.

"The Chair said it was not a question in order, and the Chair could not decide it.

"The Cumberland road bill was taken up, and read a third time.

"Mr. McKay moved that a message be sent to the other House, informing them that this House, having completed its business, is now ready to adjourn.

"The Chair said the motion was not in order, the question being on the passage of the bill.

"The Clerk proceeded to take the yeas and nays on the passage of the bill to continue and repair the Cumberland road; and

"Mr. Gilmer, when his name was called, rose and said he considered that he had no right to vote, the term for which he was elected having expired at twelve o'clock this night; and he therefore declined voting."

After the passage of the Cumberland road bill, the report gives an account of a desultory conversation between the Chair and various members, on the constitutional dissolution of the House, motions to adjourn, &c.

The following are further extracts from the report:

"Several members addressed the Chair.

"Mr. Clay said the motion to extend the judiciary system was the business next in order.

"Twenty members addressed the Chair at the same time; the Chair in vain attempting to preserve order.

"The confusion in the House increasing,

"The Chair called upon members to assist him in preserving order and decorum.

"At length,

"Mr. J. Y. Mason said, as the House was about to separate, he hoped they would render an act of simple justice to one of its members, by passing the resolution to pay the honorable Robert P. Letcher his compensation for the last session. He moved a suspension of the rule in order to take up the resolution. The motion was agreed to, and the resolution proposing to direct payment to Mr. Letcher, for attendance at the last session, was read.

"Mr. Vanderpoel moved to strike out the preamble; which was agreed to.

"The question being on motion of Mr. R. M. Johnson to amend the resolution by embracing the name of Thomas P. Moore,

"Mr. Wilde moved the previous question; which was seconded, 69 to 65.

"The main question was ordered, [on agreeing to pay Mr. Letcher,] and was taken by yeas and nays, when there appeared, yeas 113, nays 3; several members refusing to vote, though present, on the ground that it was past twelve o'clock.

"No quorum voting, the resolution was lost."]

Gentlemen certainly cannot object to their own witness, particularly as the evidence here extracted from the Intelligencer was published after the first attack appeared in that journal, charging the House with the loss of the fortification bill, and almost in the very language of a recent attack made in the Senate.

Such, Mr. Speaker, is the record of our proceedings, as reported for the Intelligencer. The very first question noticed in that report, after the committee was appointed, is the Cumberland road bill. And on the return of the committee, what was the condition of the House? The Chair calling upon members to assist him in preserving order and decorum—the gentleman from Virginia rising and making an appeal to a House "which was about to separate," even before the return of the committee. And yet, sir, we hear gentlemen who would sacrifice the interest of our country because the words "army" and "navy" are inserted in an amendment—who are alarmed at the slightest deviation from the most rigid constitutional forms, denouncing a chairman of a committee for not reporting and submitting an appropriation of $800,000 at one in the morning (for it was near that before the vote was announced on the Letcher resolution) to the fragment of a quorum of a dissolved body, in which the Speaker was not able to preserve order and decorum! Sir, it was at no time practicable to make the report after the committee returned from the conference. I returned to the House just in time to record my vote in favor of the resolution to pay Mr. Letcher. It was five-and-twenty minutes after that before the result was announced, and it was known that no quorum had voted. The question actually before the House then was: whether a quorum could be obtained for the purpose of passing the resolution to pay Mr. Letcher. Had a quorum been obtained, the question would have been on that resolution; and, sir, had ten fortification bills been ready to be reported, the friends of Mr. Letcher never would have given way at that hour of the night. But no quorum was ever obtained from that time till the adjournment of the House, and the only motion in order was a motion to adjourn. That motion was made by the gentleman from Maine, [Mr. JARVIS,] and the yeas and nays were again ordered. I voted against adjournment, still anxious to obtain a quorum, but no quorum voted. Thus, sir, was another five-and-twenty minutes exhausted. Another struggle commenced for a quorum, to pass the resolution to pay Mr. Letcher. Tellers were appointed to count the House: the Speaker was requested to ascertain whether there was a quorum present. Sir, it is impossible to describe the scene. At length, abandoning all hope of obtaining a quorum, the House prepared a second time to adjourn. A gentleman from Maryland [Mr. JOHNSON] was permitted to report a mere resolution of inquiry of the War Department; the gentleman from Florida, [Mr. WHITE,] to lay on the table a copy of an act of that Territory; and the Speaker asked leave to dispose of the communications upon his table. On a motion to print the last of these, which was "a letter from the Postmaster General, vindicating himself from aspersions," &c., there was no quorum voting; and, as the journal states, the letter "was not further acted on." Sir, this business preparatory to adjournment was all that was done after the passage of the Cumberland road bill till the adjournment of the House at about three o'clock in the morning. Not one dollar was voted, no amendment of the Senate was agreed to, and no act of any description was passed, after the passage of the Cumberland road bill. Nothing was done but to hear reports from the Committee on Enrolled Bills, and to send and receive messages to and from the Senate and the President.

I have been charged, Mr. Speaker, with another unpardonable offence. Although I objected to measures to compel others to vote after 12 o'clock, yet I voted myself on every question after that hour, and even against the motion to adjourn. Sir, the gentleman from Virginia might have gone back for fifteen years, and found my name recorded on every question till the hour of adjournment. I believe that our constitutional term does expire at 12 o'clock, but I have had no scruples about remaining and attending to the closing forms of this body, and even of voting for laws, in cases of indispensable necessity. If there is any offence in this, sir, I have no apology but in the universal usage of all legislative bodies; and I believe that my opinion and my practice have been the opinion and practice of a majority of every Congress elected since the adoption of our constitution. Whether after the hour of twelve we have a quorum or not, depends entirely upon the number of members who choose voluntarily to remain in session.

The gentleman makes another grave charge—that we had the power to command a quorum, and that the bill was lost by an intrigue of the friends of the administration on this floor, who declined voting. Sir, I deny, utterly deny, that the refusal to vote was a party measure, or that the want of a quorum had any reference whatever to the fortification bill or the three millions appropriation.

Was the gentleman from Kentucky, [Mr. HARDIN,] who first inquired "if the House was not virtually dissolved," a friend of the administration? Was the gentleman from Georgia, [Mr. GILMER,] who declined voting on the Cumberland road bill, a friend of the administration? Was another gentleman from Georgia, [Mr. JONES,] who moved an adjournment while the conferees were still in session, a friend of the administration? Did these gentlemen intrigue to destroy a quorum on the fortification bill, to prevent it from reaching the President, to shield him from responsibility? Sir, the question of a quorum had nothing whatever to do with the fortification bill. The struggle commenced on the Cumberland road bill; it was continued by members of both parties on the judiciary bill. Forty members had retired after the passage of the Cumberland road bill; and before the resolution to pay Mr. Letcher was called up, the number was reduced from 174 to 134. It was the struggle between the friends of Mr. Letcher and Mr. Moore which destroyed the quorum. Subsequent to that, no quorum could be obtained, even on a motion to print the Postmaster General's letter vindicating himself. As well might it be said that the want of a quorum on that proposition was owing to an intrigue among the friends of the administration!

Mr. Speaker, it was after that vote had been taken on printing the Postmaster General's letter, after the Speaker had disposed of the business on his table, preparatory to an adjournment, and with a perfect knowledge, on the part of the Senate, that the House had been more than one hour in vain struggling for a quorum, and that they were making final preparations for adjournment; it was, sir, under such circumstances, and at two in the morning, the following extraordinary resolution was received from the Senate of the United States:

"*Resolved*, That a message be sent to the honorable the House of Representatives, respectfully to remind the House of the report of the committee of conference, appointed on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill respecting the fortifications of the United States."

When that message was read, sir, I stated, what I now repeat, that, when I came into the House from the conference, the Clerk was calling the yeas and nays on the resolution to pay Mr. Letcher, on which there was no quorum; that, on a subsequent proposition to adjourn, the yeas and nays were called, and again there was no quorum. Under such circumstances, I did not feel authorized to present to the House an appropriation of eight hundred thousand dollars. That the House had discharged its duty to the country by twice voting an appropriation of three millions for its defence, which the Senate had twice rejected; that the bill was evidently lost, and the Senate must take the responsibility of leaving the country defenceless; that it was no longer in the power of the House to compel members to vote, to call them here, or to command a quorum; that I did not feel authorized to report the bill, situated as the House was; but that, if any other member of the committee of conference proposed to do it, I should make no objection, though I believed such a proposition utterly ineffectual at this time. Mr. Lewis took the report, and, as the journal states, made it. But, sir, in what manner did he make it? When the gentleman from Virginia read from the journal the paragraph about the report, I was astonished. When I came, however, to examine that journal myself, when I observed a paragraph which had escaped the vigilant eye of that gentleman, my astonishment ceased. Here it is, sir: "The item proposed by the conferees, in lieu of the amendment of the House, was then read, and the question was stated that the House do adopt the same; when it was objected that a quorum was not present." We shall see, sir, who it was that objected. "And thereupon Mr. Cambreleng and Mr. Lewis were appointed tellers, to return the House; and the House being counted, the tellers reported that a quorum was not present." Yes, Mr. Speaker, the tellers appointed to return the House reported that a quorum was not present. This, sir, is Mr. Lewis's report. Was not every member present counted, whether refusing to vote or not? If any member had "skulked," would not Mr. Lewis have reported that fact? But, sir, the journal does not state the case precisely as it occurred, though I presume the officers of the House felt obliged to place the report upon the journal in some form. There appears, sir, to have been some doubt about the fact; for the gentleman from Massachusetts [Mr. PHILLIPS] inquired of the Chair about it, and the report states that "the Chair stated, in reply, that, as he understood, the report was made." [Mr. PHILLIPS here rose and stated that the report was not correct; that he understood the Chair to reply that the report had not been made.] The gentleman's recollection corresponds with my own as to the fact that the report was not, strictly speaking, made. In saying this, I by no means design any imputation against the officers of the House. It could not be overlooked in the account of our proceedings. But, sir, the Intelligencer's report of what actually occurred accords precisely with my recollection of it, viz:

"Mr. Lewis (another member of the committee of conference) took the report from Mr. Cambreleng, with the apparent intention of offering it to the House; but he first asked the Chair"—(for no man better understands his parliamentary duty)—"he first asked the Chair whether there was a quorum present or not." There was not, sir; and Mr. Lewis laid the bill upon the Clerk's table, and there it remained.

Mr. Speaker, I confess that when that extraordinary message was received from the Senate—when we witnessed the solemn farce of hearing announced a grave message from that dignified body, rebuking the few members remaining, and who, it is well known all over this Capitol, were taking steps preparatory to adjournment, I felt, sir, some of the indignation so warmly expressed by the gentleman from Massachusetts, [Mr. ADAMS.] But, sir, had we then known, as we have been since informed—as we are now, indeed, told by honorable Senators themselves—that, before that message was sent to this House, they had received a message from the President of the United States, announcing to them that, as the functions of Congress had ceased, he could receive no further communication from them—had we been aware of that fact, sir, by what name should we have designated this extraordinary proceeding? Might it not have been denounced as a miserable artifice, to attempt to shift the responsibility of leaving the country defenceless from the Senate to the Executive? All such expedients, sir, were in vain, as well as all these speeches upon this subject. The country well know where this responsibility rests. The story of the three million appropriation is briefly told. It was the proposition of the House, in pursuance of the President's message, and for our country's defence—it was sent to the Senate, where it was rudely rejected—it was sent there again and again—it was uncourteously returned to the House. It then received its death-blow in the Senate, it lingered for a time between the two Houses, it perished in the committee of conference, and its poor miserable remains were brought and deposited here, the gentlemen from Alabama and New Hampshire and myself acting as pall-bearers.

But, sir, I dismiss all these details, which I have been compelled to go into in self-defence. I come now, sir, to those great constitutional objections which honorable

Senators have urged against the three million appropriation, proposed for our defence in the contingency of war. We have been told, sir, that the amendment specified no objects—that every thing was left to the discretion of the President—that he could do every thing touching the naval service, without control—and that he would have an absolute power to raise and employ land forces; and we are asked whether our legislation, under our constitution, furnishes any precedent for all this.

Mr. Speaker, these objections are made, and these questions are asked, by Senators distinguished as statesmen; gentlemen of great experience, having been in the public councils some twenty or thirty years, in peace and in war. Such bold declarations of gentlemen of experience and reputation, though entirely unsupported by the history of our country, may sometimes mislead, especially when put forth with an air of confidence and authority.

The history of our legislation, sir, is replete with precedents, notwithstanding the bold declarations of gentlemen to the contrary. I have in my hand a list of some forty or fifty, a few of which I will only notice. In the early history of our legislation, in Washington's administration, all our expenditures for the civil list were in one line, and for the army in another, without any specification whatever. I know that we have long since departed from that rule, but I doubt a little whether we have consulted true economy by such a course, for every branch we have lopped off has become a tree; till, finally, one, two, and three hundred thousand dollars have mounted up to two or three times as many millions. Such, sir, are some of the results of too much specification.

On the 20th March, 1794, one million of dollars was placed at the discretion of President Washington, without specification of any kind whatever, to defray "any expense which may be incurred in relation to the intercourse between the United States and foreign nations."

In the next administration, sir, on the 3d of May, 1798—(and, lest gentlemen should be alarmed at the period referred to, I shall, before I sit down, give them more republican authorities)—in 1798, sir, 250,000 dollars was placed at the discretion of President Adams, for certain fortifications, "and to erect fortifications in any other place or places, as the public safety shall require, in the opinion of the President of the United States; to be erected under his direction, from time to time, as he shall judge necessary."

1798, May 4. $800,000 for cannon, small arms, ammunition, and military stores, for "the public safety and defence, at the discretion of the President," who was by the same act authorized to establish armories and foundries, &c.

1798, May 28. The President authorized to raise ten thousand troops "in the event of a declaration of war against the United States, or of actual invasion of their territory by a foreign Power; or of imminent danger of such invasion discovered, in his opinion, to exist before the next session of Congress;" and authorized to organize them into corps of artillery, cavalry, and infantry, with a suitable number of major generals, &c.

1798, July 16. $900,000 for the increased army.

1799, March 2. The President authorized to raise "twenty-four regiments of infantry, a regiment and a battalion of riflemen, a battalion of artillerists and engineers, and three regiments of cavalry, or such part thereof as he shall judge necessary, in case war shall break out between the United States and a foreign European Power, or in case imminent danger of invasion of their territory by any such Power shall, in his opinion, be discovered to exist." Two millions appropriated, and the President authorized to borrow the money.

We now come to the administration of Mr. Jefferson, when, sir, I believe there was no disposition to violate the constitution, or destroy the Government with the battery of an appropriation.

1803, February 26. Two millions of dollars in addition to former appropriations, without any specification whatever, "for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations," "to be applied under the direction of the President of the United States." Authorized to borrow the money.

1803, March 3. President authorized, "whenever he shall judge it expedient," to require of the Executives of certain States to organize, arm, equip, and "hold in readiness to march at a moment's warning, a detachment of militia not exceeding eighty thousand."

One million five hundred thousand dollars for pay and subsistence of such as may be wanted, for ordnance and other military stores, "and for defraying such other expenses as, during the recess of Congress, the President may deem necessary for the security of the territory of the United States, to be applied under the direction of the President."

1804, March 26. For equipping such armed vessels "as may be deemed requisite by the President," and for "defraying any other expenses incidental to the intercourse with the Barbary Powers," against Tripoli, "or any other of the Barbary Powers which may commit hostilities," &c. Mediterranean fund established by this act: $1,500,000 appropriated—President authorized to borrow it.

The following act is so important, comprehensive, and indefinite, and applies so directly to the case of secret service money, (never contemplated in the appropriation last year,) that I give the whole section. The President was also authorized to borrow the money.

1806, February 13. That a sum of two millions of dollars be, and the same is hereby, appropriated towards defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any money in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall cause an account thereof to be laid before Congress as soon as may be.

1806, April 18. The President authorized, "at such time as he shall deem necessary, to require of the Executives of the several States" to organize, and "to hold in readiness to march at a moment's warning," one hundred thousand militia. Two millions of dollars appropriated.

1808, February 24. Thirty thousand volunteers, "to be called upon to do military duty at any time the President of the United States shall judge proper." Fifty thousand dollars appropriated.

1808, January 8. $1,000,000 for such fortifications "as he may deem necessary" to repair, and for "such other fortifications, &c., as will afford more effectual protection to our ports and harbors," &c.

We now come down, sir, to Mr. Madison's administration, and approach a period with which some of the distinguished gentlemen of the Senate must be familiar, even if they had no hand in framing or voting for these laws.

1809, January 14. $750,000 "for certain purposes, and erecting such fortifications as may, in the opinion of the President of the United States, be deemed necessary for the protection of the northern and western frontiers," &c.

1811, March 3. $131,046 30, generally, for completing fortifications.

1812, January 14. $1,500,000 to purchase, under the direction of the President of the United States, ordnance, ordnance stores, camp equipages, and other quartermaster's stores for the army.

1812, January 8. President authorized, "whenever

he shall have satisfactory evidence of the actual or threatened invasion of any State," &c., to raise six companies of rangers.

1812, March 20. $50,000 additional, "for the purposes of fortifying and defending the maritime frontier of the United States."

July 5. $500,000 more.

The following were appropriations simply:

1813, January 20. $1,000,000 for the military establishment; $1,000,000 for the naval.

1814, March 9. $500,000 for floating batteries.

November 15. $600,000 for any number of vessels, not exceeding twenty, which, in the President's opinion, the public service may require.

The act of 20th April, 1816, appropriates a million annually, for eight years, for the navy, and the President is authorized to build ships, or to cause them to be framed, &c.; and never, sir, till 1821, was there an appropriation made for fortifications, except generally, and without specification.

Such, Mr. Speaker, are some few of the precedents for appropriations in sudden emergencies, and to prepare our country for the contingency of war. Instead, sir, of making all these objections to forms, instead of resorting to all these expedients to avert responsibility, and making unfounded appeals to the history of our legislation, would it not be more candid, more manly, nay, more honorable, sir, to take the honest ground which some gentlemen have occupied, and say they would not make the appropriation through fear of a war with France? Sir, these timid counsels never have succeeded, and never will. It was the unfortunate decision of the Senate, that it was inexpedient to do any thing, that produced the prompt rejection of the three million appropriation for our national defence; it was their unfortunate and unchangeable resolution to oppose the House, the President, and the country. France exulted at this division in our national councils; the result is, the treaty is not executed, and we are now preparing for any emergency.

Mr. Speaker, the Senate, in former days, was not found, in any question between our country and a foreign Power, uncourteously and rudely resisting measures of this House designed for our national defence, in case war should come upon us in the recess of Congress. They did not reject propositions without examination, and adhere without previous conference. They did not scruple about forms, specifications, and estimates of Departments, when called upon by the President to adopt measures "to maintain the rights and honor of the country."

But, sir, it is time to dismiss this inquiry. It is a matter of little moment now to the nation which House destroyed the three million appropriation, or who the fortification bill. I am glad to learn, from almost all sides, that we are now determined, in both Houses, to unite with the Executive in putting our country in that strong attitude which she ought to assume, whether we have peace or war. This is no time, sir, for continuing a war between the House and the Senate. The crisis demands that there should be no differences between the different branches of our Government. We are in the midst of an Indian war; we are threatened with a border war on our Mexican frontier; we are engaged in a controversy with one of the most powerful nations, and the scales are so equally balanced that a feather would decide the question of peace or war. France has told us the conditions on which only the treaty will be executed; she now stands pledged to exact conditions which this country never will submit to, though it should be desolated from Maine to Louisiana. I am still not without hope of peace; but when a French fleet is abroad upon the Atlantic, it is not a time to inquire about lost appropriations. We should be looking promptly to measures of defence; we should be developing the vast resources of our country, and erecting upon the ruins of our fortification bill a fabric of defence which will do honor to this Congress. Let us arm our fortifications, multiply our steam batteries, and in less than twelve months put upon the ocean, as our great maritime resources will enable us to do, a fleet capable of successfully contending with the naval power of France or of any other nation.

When Mr. CAMBRELENG had concluded—

Mr. REED rose and said: I feel embarrassed in rising to address the House on the present occasion. The subject is painful, but I am allowed no choice; and I proceed, without introduction, to state such facts as I deem important and relevant, concisely and plainly.

The President of the United States, at the commencement of the present session of Congress, alludes to the loss of the fortification bill in the following words:

"Much loss and inconvenience have been experienced in consequence of the failure of the bill containing the ordinary appropriations for fortifications, which passed one branch of the national Legislature at the last session, but was lost in the other. This failure was the more regretted, not only because it necessarily interrupted and delayed the progress of a system of national defence, projected immediately after the last war, and since steadily pursued, but also because it contained a contingent appropriation, inserted in accordance with the views of the Executive, in aid of this important object, and other branches of the national defence, some portions of which might have been most usefully applied during the past season."

The complaint is somewhat indefinite, (said Mr. R.,) as the bill referred to passed both Houses of Congress, but not in concurrence. I presume it was intended to make the charge against the Senate. Though respectful in form, it is a grave and weighty charge. Appropriations were not made. We did some things we ought not to have done, and left undone many things which we ought to have done. I hold the President himself deeply implicated, and will not therefore answer to his charge. But I will suppose the charge comes from the people of the United States, and then I hold myself bound to render an account of my stewardship to my constituents and country. I will consider the charge as made against the Government—the President, Senate, and House of Representatives. I plead not guilty, and mean to exculpate myself. I intend to do more—to criminate others, and fix upon them the guilt, so far as guilt there may be, of defeating the passage of the fortification bill. I charge the defeat of that bill to the President, or a majority of the House of Representatives of the last Congress, being administration men.

In examining this painful subject, I determine to bear testimony to the truth—to state what I saw, and heard, and know. I intend to express my opinion upon the subject frankly, firmly, and temperately.

The President, in his message at the opening of Congress, in December, 1834, sounded the war trumpet, and it did not give an uncertain sound. The following are his words:

"It is my conviction that the United States ought to insist on a prompt execution of the treaty; and, in case it be refused, or longer delayed, take redress in their own hands. After the delay, on the part of France, of a quarter of a century, in acknowledging these claims by treaty, it is not to be tolerated that another quarter of a century is to be wasted in negotiating about the payment. The laws of nations provide a remedy for such occasions. It is a well-settled principle of the international code, that where one nation owes another a liquidated debt, which it refuses or neglects to pay, the aggrieved party may seize on the property belonging to

the other, its citizens, or subjects, sufficient to pay the debt, without giving just cause of war. This remedy has been repeatedly resorted to, and recently by France herself towards Portugal, under circumstances less unquestionable."

The President's advice and recommendation, if not war direct, could not fail to result in war with France. What man believes we could have made reprisal, or seized upon a single ship of France, without producing war? A powerful nation may seize upon the property of a feeble and timid one, by way of reprisal, without resistance; but not so as to France. The message was a war message, and notified us to make the necessary preparation. But I desire to thank God our voices were not for war.

This message was referred to the appropriate committees. What was had upon the subject? What preparations and what appropriations did the committees propose for fortifications and for defence?

I hold the bill, called the fortification bill of the House of Representatives, in my hand. It proposed to appropriate for fortifications, in all, the sum of $439,000. The journal of the House states:

"Mr. Edward Everett moved to amend the bill by striking out these words, viz:

"For the preservation of Castle Island and repairs of Fort Independence, in addition to the balance of former appropriations, $8,000, and, in lieu thereof, insert the following, viz:

"For the preservation of Castle Island, and for repairing the fortifications on Castle Island, in Boston harbor, according to the plan adopted by the board of engineers on the 24th of March, 1834, in addition to the balance of former appropriations, $75,000."

That all the forces of the House of Representatives might be rallied, we had a "call of the House," and then the vote was taken by yeas and nays: for the amendment 87, against it 120. These yeas and nays are in the journal of the House of Representatives, page 225. Few administration men can be found among the yeas. The chairman of the Committee of Ways and Means [Mr. POLK,] and the chairman of the Committee on Foreign Affairs himself, who figured so much in the three million amendment, are among the nays. They and others would not consent, notwithstanding the threatening aspect of war, to appropriate $75,000 for the defence and protection of the harbor of Boston, and Boston itself, and the immense public property at the navy yard at Charlestown.

We of Massachusetts, and those who acted with us, were accused of extravagance and profusion for pursuing a course that would increase the expenditures, and render the administration unpopular. There was no predisposition to the three million appropriation at that time, or the money was intended for a very different object from that of the defence of Massachusetts and Maryland, &c.

The gentleman from Maryland [Mr. MCKIM] moved to amend the bill by adding, "for the repair of Fort McHenry, at Baltimore, and putting the same in a proper state of defence, $50,000." The yeas and nays upon this amendment were—yeas 66, nays 129; and gentlemen voted as on the former amendment. The mover, though a good administration man, in the present case fared no better than others. Impartial injustice was dealt out to all propositions for amendment.

Again: Mr. Thompson moved an amendment, "viz: $44,000 for the protection of St. Augustine." For the amendment--yeas 67, nays 115. This happened on the 15th January, about 45 days before the memorable 3d of March, when $800,000 (in addition to the amendments of the Senate, doubling the appropriation of the House) was pronounced by the Secretary of State (Mr. Forsyth) to be a "pitiful sum."

Another motion was made by Mr. Parker, on the 19th January, to strike out "For a fort on Throgg's Neck, East river, New York, (in addition to a balance of former appropriations,) $30,000." The yeas and nays were--yeas 86, nays 113. The bill passed precisely as reported by the Committee of Ways and Means. We in the minority (said Mr. R.) were not allowed to increase the amount a single dollar. The bill, having passed the House of Representatives, was sent to the Senate. How did the Senate treat the bill? Did they attempt to reduce the amount proposed by the House? No. And yet one not informed upon the subject might well be led to think so, from the complaints from various quarters that the Senate defeated the ordinary appropriations for fortifications. On the contrary, the Senate considered the bill of the House of Representatives as wholly inadequate and deficient, in not providing for the defence of the most important and defenceless parts of the country. Their amendments to the bill of the House of Representatives were essential to the defence of the country--so all-important, that I name them particularly, viz:

For Fort Delaware, instead of $70,000, $150,000; being an addition of	$80,000
For Fort Mifflin, &c.	75,000
For Castle Island, &c.	75,000
For defence of Maryland,	100,000
For armament of fortifications,	100,000
Amounting to	$430,000

The bill was returned from the Senate with the above amendments; and, being so amended and returned to this House, it was absolutely within the power and control of this House. We had only to adopt the amendments, and the bill would have become a law, with the signature of the President. In that event, we should

have added to our appropriation of	$439,000
The further sum of	430,000
Amounting to	$869,000

All for fortifications, except $100,000 for armament for fortifications. By the Senate's amendment, several States were to be protected and fortified. But this House neglected and refused to pass the bill, and were therefore guilty of defeating the ordinary appropriation bill for fortifications, and ought honestly to acknowledge it, and justify themselves as far as they may be able.

The House of Representatives of the last Congress must be responsible for the consequences. I speak of the ordinary appropriations. The extraordinary--the three millions—I will consider by and by. The President very justly makes the distinction in his charge; and I intend to make it, and keep it distinctly in view, though the resolution we are considering proposes to inquire as to the cause of the failure of the ordinary appropriations only.

Although this bill was perfectly familiar to this House--our own child--we could not adopt it with the Senate's amendments. We took time to consider; in a session of 93 days, when there was no time to be lost. The bill was referred to the Committee of Ways and Means, that every dollar of appropriation should be scanned and scrutinized, that not a brick or stone should be laid upon our fortifications, unless it were absolutely required, and the cost counted. But the committee would not consent to appropriate for Massachusetts, Maryland, Pennsylvania, Delaware, &c. They reported amendments to the Senate's amendments, and the bill was reported to the House, with the amendments, on the 3d day of March; but the House finally agreed to

the amendments of the Senate. What next? At 8 o'clock on the 3d of March, the last night of the session, still holding and detaining the fortification bill in our possession, an amendment was proposed of an entire new section. It deserves not the name of amendment. It was a proposition, at that late hour, entirely to change a bill we had been examining for months. It was in the following words:

"*And be it enacted, &c.*, That the sum of three millions of dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the navy: *Provided*, Such expenditure should be rendered necessary for the defence of the country prior to the next meeting of Congress."

This amendment was proposed by the chairman of the Committee on Foreign Affairs. The appropriate Committees on Military Affairs and Naval Affairs, and even Ways and Means, were all superseded. The three million amendment came upon us as sudden as a thunderbolt, without report, or estimate, or explanation. We were called upon to vote. There was no time for debate; and all we could do was to call the yeas and nays, and record our names upon the journal. Well might we be astonished; and our astonishment was not a little increased to see the very men, chairmen and all, who would not consent to add $175,000 to defend two of the principal cities in the Union in an exposed and defenceless state, ready in a moment to vote three millions. But so it was. And we Representatives, not intrusted with executive secrets, were left to wonder what could have produced so sudden and extraordinary a change. The tables were turned. Profusion and extravagance took the place of parsimony, and precipitation that of tardy delay. I repeat, without stopping to deliberate, for we had no time, we voted and adopted the three million section, and called it an amendment to the bill. It passed: Yeas 109, nays 77. We then sent the bill so amended, to the Senate, for their approval. And here, give me leave to say, it is all-important to the correct understanding of this controversy to inquire at what hour we sent it to the Senate. We sent the bill, to the Senate at eight o'clock P. M., four hours only before the close of the session, according to the opinions of some of the members of the House of Representatives. Well might the Senate be astonished. But we are told that "the Senate did not receive it in good temper."

The gentleman from New York, [Mr. CAMBRELENG,] who just closed his speech, has tendered what he calls the true issue, and it is this: "Who defeated the three million appropriation?" intended, as he says, to provide for a contingent war. I must remind the gentleman that he has wholly forgotten the resolution we are discussing. The resolution proposes to inquire into the causes of the failure of the ordinary appropriation for fortifications. Surely the three millions was not ordinary, but most extraordinary. I will examine that subject before I sit down.

The President secretly and improperly interfered, to induce the House of Representatives to act "in accordance with the will of the Executive." We have just learned in this debate that the chairman of the Committee of Ways and Means [Mr. POLK] was an agent to that effect, and enjoined secrecy upon some, at least, of those whom he informed that the President wished to obtain the three million appropriation. The then chairman (now Speaker) being called upon, has stated it from his chair publicly, and it has been publicly confirmed by the gentleman from Tennessee, [Mr. LEA.] The President, in so doing, greatly erred. There can be no justification for such secret interference and influence in this House. I saw we were swiftly swept along against the apparent current, by a strange undertow, the cause unseen and unknown. Those who would not vote for $50,000, or $75,000, in addition to the $439,000, were now ready for three millions; and ready to denounce any man as regardless of his country's danger and country's honor who would refuse to vote for that sum.

The proposition to annex a section to the appropriation bill for fortifications, of three millions, was most extraordinary. The President had not recommended it. The Committee of Ways and Means had not examined it. There was no report of any committee in favor of it; no estimate from any body; no specification; no precedent. The gentleman from New York [Mr. CAMBRELENG] has just read a number of cases which he considers precedents—cases of general appropriations of money to a considerable amount. I have now no opportunity to examine the cases he has referred to. They seem all to be of ancient date, and most of them specific. The case mainly relied upon is that of two millions, in 1806, and which the gentleman informs us is "so important, comprehensive, and indefinite, and applies so directly to the case." If my recollection be correct, that appropriation was called "secret service money," put into the hands of the President to purchase Florida. There was, I think, at the time, loud complaint against that appropriation. It was answered, that the object of the appropriation must be kept a secret, or the purpose for which it was appropriated would be defeated. Does the gentleman view that case like the one we are considering? Was the three millions of last year, proposed to be added to the fortification bill, considered secret service money? I defy the gentleman to find a case like the three million proposition of last year. The history of our legislation does not furnish it, in my opinion—an appropriation of such vast amount, made without time for examination and without specification.

The three million amendment was first presented to the notice of Congress six hours only before the close of the session, without report, or time for examination or discussion. Sir, for such a precedent I am quite sure gentlemen will search in vain. Things ought not so to be. We are bound to examine and consider before we decide such important subjects, and vote away such large sums. We want time, and facts, and estimates, and specifications; and we ought not to act in the dark, under the influence or dictation of any man.

But my colleague [Mr. ADAMS] has discovered a reason and foundation for the three million appropriation to me as novel and extraordinary as was the proposition for the appropriation itself. It was, he says, founded on his resolution; which I will consider hereafter.

In presenting the resolution now under discussion, the gentleman from Massachusetts, my colleague, saw fit to indulge in a course of remarks wholly unlooked for, and of the most painful character.

The resolution is one of inquiry; its object is the ascertainment of facts; it asks a special committee. By the usage of this House, should the resolution pass, the mover would be appointed chairman. But my colleague [Mr. ADAMS] has seen fit to give a minute and detailed history of what he supposes facts, in the very case to be investigated. He has done it in a spirit and temper ill calculated to inspire confidence in his impartiality. Was it necessary, or expedient, or commendable, or justifiable, to use such language of violence and abuse towards Senators and the Senate of the United States?

The rule in what is called Jefferson's Manual, our book of rules, is as follows: "It is a breach of order in debate to notice what has been said upon the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House

should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses." This rule is not an empty form. How all-important to maintain kind and respectful feelings between two bodies, who must act in unison, or the operations of the Government must cease! With this rule before him, and with strong and reiterated professions of a desire to promote harmony between the different departments of the Government, my colleague has quoted in this debate the votes and speeches of Senators, and denounced the Senate with unmeasured severity, and thereby violated most palpably the rule above named, and set at naught all his professions in favor of harmony and a good understanding. His speech is a poor commentary upon his professions, and I listened to it with regret and pain.

My colleague, throughout his speech, has had much to say about man-worship. I never heard him accused of that idolatry. But there is another kind of idolatry, of which, perhaps, some are in more danger—I mean the worship of--what my colleague was pleased to call, a few days since, in this House—our noble selves.

Next to being right, we all desire to be consistent. That desire is lawful and commendable; but we are in danger of putting the consistent before the right, and that is a sore evil under the sun.

My colleague, in his speech, in reference to the fortification bill, 1st, defended himself throughout. Of this I do not complain. I mean to imitate him. 2dly. He defended the majority of the House of Representatives, even when opposed to himself. 3dly. He defended the conduct of those who urged constitutional scruples in opposition to him, and his opinions, in relation to the hour of adjourning, and who broke up a quorum, and defeated the bill. But my colleague [Mr. ADAMS] is very indignant at two things: 1st. An expression used by a distinguished Senator from Massachusetts, [Mr. WEBSTER,] who, after showing, in an able an masterly argument, the unconstitutionality, danger, and inexpediency, of voting for the section proposed by the House of Representatives, "adding the three millions, "observed, "if the proposition were now before us, and the guns of the enemy were battering against the walls of the Capitol, I would not agree to it." And he immediately adds, "the people of this country have an interest and property, an inheritance, in this instrument, (the constitution,) against the value of which forty Capitols do not weigh the twentieth part of one poor scruple."

My colleague quoted the first sentence, and used language in reference to the quotation, and in reference to the great and distinguished man, the author of those remarks, which I will not repeat, wholly unjustifiable, and without foundation. But I stop not to eulogize or defend the distinguished individual referred to. He needs not my aid. I merely ask my colleague why he did not quote the argument of the Senator from Massachusetts, and why he selected a single isolated sentence? I ask my colleague, if he had entertained the same opinions as did the Senator referred to, that the "three million section was unconstitutional, inexpedient, and of most dangerous tendency," whether he would have voted for it to save the Capitol or his own life?

The other thing that excited my colleague's hot displeasure was, a resolution sent by the Senate to the House of Representatives, on the 3d of March, as follows, viz:

"*Resolved*, That a message be sent to the honorable the House of Representatives, respectfully to remind the House of the report of the committee of conference appointed on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill respecting the fortifications of the United States."

And my colleague makes the following comment: "When that message was delivered, he must confess, if ever a feeling of shame and of indignation had filled his bosom, it was at that moment. He felt it as an insult to the immediate representatives of the people; and if it had been sent at a moment when the House yet existed, with the power to resent unprovoked insult, he verily believed that, imitating the example of our Congress in a somewhat similar case, during the revolutionary war, he should have moved that a message be sent by two members of the House to cast the Senate's message on their floor, and tell them that it was not the custom of the House to receive insolent messages. It was, perhaps, well that he had no opportunity to give vent to those feelings."

The above message was sent after anxious waiting in the Senate to hear from the House of Representatives. The conference committee had separated, and the Senate's committee had long before reported to the Senate, but nothing was heard from the House of Representatives. Was there just occasion for such a burst of indignation as my colleague describes, and which agitated his breast, and urged him to do that which, if done, must have dishonored both him and the House of Representatives? And yet he takes frequent occasion to complain of the Senate that they received the amendment of the House of Representatives in bad temper.

I was here, Mr. Speaker, upon that abasing and mortifying occasion. It was a painful night. Though subject to like passions as other men, I desire to be thankful that I was not on that occasion so filled with "anger and indignation." I felt humbled by the gross misconduct of some in this House. I saw things here that were wrong and wholly unjustifiable; and if I felt anger rising in my breast, that feeling was tempered, moderated, and repressed, by the high and responsible obligations of duty to my country. These obligations had an influence paramount to passion. I was for the fortification bill. I was for substance, and not form. I was not for war with the Senate, but for the defence of the country.

I beg for a moment to consider certain resolutions which are supposed to materially affect the present controversy: I refer to resolutions from the Committee on Foreign Affairs, reported to this House on the 27th of February, four days only before the close of the session. These were the war resolutions, the foundation of the three million appropriation.

On the 2d day of March, late in the day, the war resolutions of the Committee on Foreign Affairs were brought before the House by a motion of the chairman [Mr. CAMBRELENG] to discharge the Committee of the Whole. This motion, as every body knows, was made to facilitate and hasten the adoption of those resolutions. The vote was taken by ayes and noes: Ayes 104, noes 92. The administration party were too strong; we were beaten. How did we vote? Was my colleague, then, in favor of passing resolutions as the foundation of war appropriations? No: he voted with us. But the committee were discharged, and the resolutions were brought before the House; and the journal states the House then proceeded to the consideration of the said reports, viz: the reports of the majority and the minority; and the resolutions recommended by the committee were read, as follows. I here read from the journal, page 496:

"1. *Resolved*, That it would be incompatible with the rights and honor of the United States further to negotiate in relation to the treaty entered into by France on the 4th of July, 1831; and that this House will insist upon its execution as ratified by both Governments.

"2. *Resolved*, That the Committee on Foreign Af-

fairs be discharged from the further consideration of so much of the President's message as relates to commercial restrictions, or to reprisals on the commerce of France.

"3. *Resolved*, That contingent preparation ought to be made to meet any emergency growing out of our relations with France.

"Mr. John Quincy Adams, on the 27th February, ultimo, proposed to amend said resolutions, by striking out all thereof after the word *Resolved*, in the first resolution, and inserting the following:

"1. *Resolved*, That the rights of the citizens of the United States to indemnity from the Government of France, stipulated by the treaty concluded at Paris on the 4th of July, 1831, ought, in no event, to be sacrificed, abandoned, or impaired, by any consent or acquiescence of the Government of the United States.

"2. *Resolved*, That if it be, in the opinion of the President of the United States, compatible with the honor and interest of the United States, during the interval until the next session of Congress, to resume the negotiations between the United States and France, he be requested so to do.

"3. *Resolved*, That no legislative measure of a hostile character or tendency towards the French nation is necessary or expedient at this time."

The resolution of my colleague was modified; the words "at all hazards" were stricken out, to make it entirely pacific, and leave not the semblance of a threat, to hazard nothing; and, so amended, it passed unanimously. I give the words of my colleague:

"This sentence, from which, with the general assent of the House, the words 'at all hazards' had been withdrawn, was finally approved by me; and every member present, two hundred and seventeen in number, answered, at the call of his name, *ay*.

"The resolution was in these words:

"*Resolved*, That, in the opinion of this House, the treaty with France of the 4th of July, 1831, should be maintained, and its execution insisted on."

As the gentleman from New York [Mr. CAMBRELENG] has stated some conversation about this resolution, as a substitute for the resolutions of the committee, I trust I may be permitted to say a word in relation to myself. I took no part in the debate; but if my life had been at stake, I could hardly have felt more interest. The war resolutions were combated with argument and spirit. It was on that occasion that my colleague was said to have made his peace speech, when he declared he would have dodged the war question himself, and he approved the course of the Senate. I was delighted with it. It was peace, and not war. But the conflict was severe, and the House very nearly equally divided, and I feared war resolutions, by possibility, might pass; I went across the chamber to see the chairman of the Committee on Foreign Affairs, [Mr. CAMBRELENG;] I proposed to him to take the resolution of Mr. ADAMS as amended, which we afterwards adopted. I observed, you may entirely fail. He asked if my side, or party, would vote for it. I replied I could answer but for one; I would vote for it. This resolution was adopted unanimously. But, judge what must be my astonishment, when I hear my colleague [Mr. ADAMS] say:

"He hoped he had shown that the section making the appropriation of three millions was introduced from absolute necessity, on the last day of the session, because it was in consequence of the unanimous vote of the day preceding. Was he now to be told that this and the other House must not appropriate money unless by recommendation from the Executive? Why, sir, the Executive has told us now that that appropriation was perfectly in accordance with his wishes. He again repeated, why was it that the House must be charged with manworship and unconstitutional conspiracy, because they passed an appropriation of three millions for the defence of the country, at a time when imminent danger of war was urged, as resulting from that very resolution which but the night before passed by a unanimous vote? Because, forsooth, that appropriation had not been called for by the Executive, and yet because it was approved by the Executive."

Does my colleague mean to say that any body in the House of Representatives ever pretended that his harmless, peaceful resolution was the foundation of a war appropriation? Does he pretend, after all that passed, that any body ever said or thought that "imminent danger of war" resulted from his peaceful resolution? Had that been the fact, and had it been so understood, would he, or any man, pretend that a unanimous vote could have been obtained? Mr. Speaker, precisely the reverse was the fact in relation to myself. I believe it was so as to a majority, if not all of that House, excepting my colleague. I am quite sure it was so in reference to those with whom my colleague acted, called the peace party, the party opposed to executive recommendation, as to the dispute with France. We resolved that the treaty with France of 4th of July should be maintained, and its execution insisted upon. How? By war, or war measures? No. By negotiation. By explanation. By giving France an opportunity to see and feel that her honor is pledged to fulfil the treaty, and that we will continue to urge and insist upon its fulfilment.

It will be long remembered that my colleague [Mr. ADAMS] made a speech in the House of Representatives, I think on the 7th February, in reference to our difficulties with France, and a few days before the "war resolutions" I have been speaking of had been presented. That speech was considered an unjustifiable attack upon the Senate for their pacific course in relation to France, and was called a war speech. I was among those friends who believed, from various circumstances, that my colleague's views had been in some measure misunderstood; and I so represented it here and elsewhere. I found difficulty in understanding the phrase used in his speech, "dodging the question," as applied to the Senate, in a good sense; but I had the highest authority for so understanding it. In about one week afterwards, my colleague made a speech in this House, called "a peace speech," in which he approved the course the Senate had pursued in relation to France, and said he would "dodge the question himself." His pacific resolutions were in accordance with his peace speech. Are we now to be told that "imminent danger of war was urged as resulting from the resolution we adopted, and that the adoption of that resolution was good and sufficient cause for the three million appropriation?" I heard no such argument then. My colleague's various speeches and resolutions in relation to our dispute with France seem so contradictory, that I leave to his own genius and learning the labor of showing his consistency. I affirm, if the resolution contemplated war, or preparation for war, it was to the House of Representatives war in disguise.

And, again, my colleague says, referring to said third resolution: "The resolution was laid on the table at the motion of the chairman of the committee who had reported it, and who then, in my hearing, and in the hearing of all in the House who chose to hear him, gave notice that he should, in its stead, move an additional appropriation in the fortification bill then before the House. Whether he named the sum of three millions as that which he should propose, or not, I do not recollect. He had openly spoken in the House before, as contemplating a larger sum. Considering the contingent and possible danger against which it was to provide, I thought the sum certainly not too large."

I believe it because my colleague says so, and because

the gentleman from New York declared it in his speech a few minutes ago. What was the mighty import of such a declaration, made by a disappointed chairman, defeated in his projects, and by the efficient aid of my colleague, too? He and his friends were defeated and disappointed. Peace prevailed over war. But the gentleman from New York threatened, as he retreated, to ask for additional appropriations, &c.; and this happened on the evening of the 2d of March, and that was notice of the three millions. I purposely, on this occasion, avoid going into a consideration of the value and importance of preparation for defence in time of peace. It does not appertain to this debate; but those who are now accused of neglect have steadily pursued that policy to a reasonable extent, and by so doing have subjected themselves to the reproaches of their present accusers.

But my colleague quotes the third resolution of the Committee on Foreign Affairs, as follows: "*Resolved*, That contingent preparation ought to be made to meet any emergency growing out of our relations with France;" and he says: "This was the resolution intended to sustain at once the spirit of the President's recommendations, and the sincerity of the resolution just adopted by the House." I perfectly concur with him that the above resolution was intended to sustain the recommendations of the Committee on Foreign Affairs; but, be it remembered, those resolutions were virtually rejected, and my colleague's peace resolution substituted. I deny that the three million appropriation ever was intended to sustain the sincerity of the resolution adopted. Never—never.

I again refer to the resolutions I have read—Foreign Affairs, and my colleague's substitute:

Third resolution of Foreign Affairs.

"*Resolved*, That contingent preparation ought to be made to meet any emergency growing out of our relations with France."

Mr. Adams's substitute for the third resolution.

"*Resolved*, That no legislative measure of a hostile character or tendency towards the French nation is necessary or expedient at this time."

According to my recollection, the speeches were more at variance, if possible, than the resolutions themselves.

Let us for a moment examine the defence of those who professed to have constitutional scruples as to the time of the termination of Congress; and here I read my colleague's argument, as follows, viz:

"He was not one of those who believed that the session ended at midnight. In his opinion, the two years' duration of Congress was from the time of day at which the House commenced its session—say the hour of noon on the 4th of March. He believed that to be the true construction of the constitutional term of two years; but it was a constitutional question, and it was not for him to judge of the motives of men who conscientiously believed that the period of their political existence had expired. When the Cumberland road bill passed, the question was taken by yeas and nays, and the vote was ninety-four to eighty, making one hundred and seventy-four votes. Here was a quorum voting, which showed that the House, at 12 o'clock, was doing business; but in ten minutes after that, no quorum could be found—not in consequence of there not being members present, but in consequence of their conscientious scruples. He recollected the instance of a gentleman from Georgia, [Mr. GILMER,] a man as conscientious and as intelligent as any member of that or the present House, who, upon being called, refused to answer, and gave as his reason that he was no longer a representative of the people, and, immediately after the vote was taken, went out of the House at that door, and never returned. It was not therefore the want of a sufficient number of members present, but from the conscientious conviction of so large a number of the members, as reduced the remainder to less than a quorum, that they had no right to vote on any thing in the House. After that took place, the committee of conference returned to the House, but no report was made; and what was the reason? Because there was no House. The roll was called, and no quorum was to be found.

"He said that he did not consider that the constitutional term of two years, assigned to the members of the House of Representatives, and the term of four years, during which the President holds his office, commence or expire at midnight. The services of two and of four years commenced running from the time when the members of the first Congress assembled to commence the operations of this Government under the constitution of the United States, which was on the 4th of March, 1789, at noon. The two years from that time expired, not on the 3d of March, 1791, at midnight, but on the 4th of March, at noon. The expiration of a year is not from noon to midnight, but from noon to noon. It is so, astronomically, by the law of nature. The time at which a day shall commence and terminate is a matter altogether arbitrary and conventional. Some nations have, in their civil computation, commenced the day at sunrise, and some at sunset—some at midnight, and some at noon. Astronomers and navigators always reckon the day from noon to noon; and why should not the constitutional computation of time follow the same law, which is the law of nature? The principle, once established, could be attended with no sort of inconvenience; whereas the computation from noon to midnight must be subjected once every two years to a solution of continuity for twelve hours by the non-existence of a House of Representatives, and once in every four years to an interregnum or vacancy in the office of President of the United States. Emergencies might easily be foreseen, perhaps even precontrived, in which either of those events would be attended with very great public inconvenience. Monarchical Governments are always guarded with the utmost possible care against every solution of continuity: their kings never die. It would be a radical defect in every republican Government not to be invested with the same official immortality—the office always filled, however frequently the individual incumbent may be changed. It was therefore my opinion that the House might have sat transacting business till noon of the 4th of March; and, accordingly, my name will be found and recorded on every taking of the yeas and nays until the adjournment, after it was announced that the Senate had adjourned.

"Mr. A. said that was his opinion then, and he had then expressed it to the House; but it was not the opinion of a large number of members of the House. The members were in the House, ready to vote, but in their opinion the time had passed. Now, whatever was doing at that time in the House might have been known to every member of the Senate, if they had seen fit to make the inquiry. It was perfectly known that after that time no quorum of the House could be found. No vote was taken. The House was *de facto* dead."

I will only add, that the usage and construction as to the time of the expiration of office, I believe, have been uniform; that it has happened very frequently, I know, that Congress have been in session hours after 12 o'clock, the 3d of March, and at the expiration of their respective terms of office; and so of all our Presidents. General Washington, as I have been informed, and believe, at the expiration of his first term of four years, arose, after he had been in bed, at 2 o'clock in the morning of the 4th of March, and signed many bills, which, in consequence of his signing, became laws, affecting life and property. Have we not all heard of the midnight judges, &c. of the elder Adams? Mr. Jefferson did the same. Mr. Madison, Mr. Monroe, and my colleague himself,

unless I greatly misremember, imitated the example of all his predecessors. Who ever seriously called it in question until the 3d of March, 1835, when the appropriation for fortifications was before us, and the three millions could not pass the Senate?

Yet, after presenting the above unanswerable argument in defence of himself, as well as others, my colleague is at no loss to find a perfect apology for those who violated the constitution and their duty, and defeated the bill. My colleague says, after the return of the committee of conference, "there was no House—not for the want of numbers;" the roll was called, and no quorum. Why? Because a number refused to answer. He states "a large number were ready to vote, but the time had passed; and it might have been known to every member of the Senate, if they had seen fit to make the inquiry." Again: "the House was *de facto* dead." But my colleague has himself shown, conclusively, it was not dead *de jure*. It was rightfully and constitutionally alive, and the Senate were bound so to consider it, and govern themselves accordingly. They did so act; and their notice and attention to the House, after they chose to consider themselves dead, though present and noisy, seems to have incurred the peculiar displeasure of my colleague and the gentleman from New York [Mr. CAMBRELENG] who has just resumed his seat.

But Mr. Gilmer, of Georgia, refused to vote, on account of conscientious scruples. His case, I believe, has been named by every speaker on this subject. I knew Mr. Gilmer, in this House, for a number of years. I believe he is a pure, honest, and honorable man. He entertained, we thought, many singular opinions of the constitution, and he widely differed from us in its construction. Mr. Gilmer had scruples; and what did he do? Arose, declined acting, and left the House, and has never since returned. The very praise and commendation bestowed on Mr. Gilmer is censure to those who entertained the same doubts, and yet remained here to vote, or not to vote, as circumstances made the constitution more or less dear in their estimation. But Mr. Gilmer is the standing witness of honest scruples. "*Exceptio probat regulam.*" Where were the other Mr. Gilmers, or those who trod in his steps? The gentleman from New York [Mr. CAMBRELENG] was so pressed with conscientious scruples that he refused to report and act upon the fortification bill; but his conscience was less scrupulous as to other matters, and he staid to vote and act, and did vote and act, upon other subjects before the House, long after he refused to act upon the fortification bill. Let him reconcile such inconsistency.

The House was reduced, in a short time, by scruples, from 174 to 111, and this appears on the yeas and nays; and, by looking at the names on the yeas and nays at the two different periods, those "noisy dead men" my colleague speaks of may be known as absentees, though present.

I most solemnly aver to my constituents and country that I was in favor of the fortification bill; that I thought the original bill insufficient, and tried to increase it; that I voted against the three million amendment with pain, because I wished a liberal specific appropriation; but I believed the three million section a violation of the spirit of our free Government, and of dangerous tendency. I well remember a conversation on that night with a worthy member, not now here. He asked me why I did not vote for the three millions? I replied, that three millions was a great sum; the use to be made of it was not specified, &c. He answered, General Jackson will not spend a dollar of it, &c. I then rejoined, if that be so, it ought not to be voted; you have confidence in the President, which I have not; but if three millions may be so voted without specification, twenty millions may be so voted; or words to that effect. It may not be safe, even in your opinion, hereafter to trust it with other Presidents. It is a dangerous and unsafe precedent, and ought not to pass.

I had been educated to believe that the President of the United States had not too much power. I had heard much said of the dangerous tendency of presidential power, and of the increase of that power. But I never witnessed so much evidence of the truth of that democratic apprehension as on the night of the 3d of March, 1835. I declare most solemnly, that, in my opinion, (and I saw those who were counted and who were not,) there was a quorum until we adjourned. I believe I had the honor to make some of the last remarks upon a motion to call the House. I then stated that there was a quorum present, and it was well known to all; that when gentlemen chose to be counted, they were present; and when they chose not to be counted, they retreated or refused to vote; that the most important business of the session yet remained undone, &c.

Much has been said by my colleague and others in regard to a vote of the Senate to adhere against the amendment proposing the three millions. It is said that that vote of adherence was contrary to all parliamentary usage, and was the cause of all the evils we experienced on the 3d of March, and the loss of the bill itself. The gentleman who has just sat down [Mr. CAMBRELENG] has made the same complaint.

As gentlemen speak with confidence, I will refer them to a case in point, and precisely the reverse of what they suppose the parliamentary usage; and I trust the authority will not be questioned by my colleague, or the gentleman from New York. The case I refer to is found in the journal of the Senate, 19th Congress, 1st session, pages 306 and 307. Here Mr. REED read the case. [Mr. ADAMS called aloud to know the book and page.] The House of Representatives and Senate disagreed as to a judiciary bill, and "Mr. Van Buren, chairman of the Judiciary Committee, drew up a report, which concludes with resolving not to insist, but adhere, and but twelve dissented; and the report states, it is expressly within the rules, and best to prevent the unprofitable formality of a conference at this advanced period of the session." Mark, sir, this happened fourteen days before the close of the session. In the case of the fortification bill, the Senate had determined not to agree to the three millions section, and a few hours only must close the session.

Mr. Cambreleng then moved that the House insist on said amendment; which motion was agreed to. The Senate then voted to adhere as to the three millions. A motion was again made in the House of Representatives to recede, and give up the three millions. We voted nearly as before; my colleague, [Mr. ADAMS,] and other colleagues, and myself, voting to recede: Ayes 88, noes 107. A conference with the Senate was then proposed and passed, and conferees appointed. The conferees of the House and Senate agreed upon a compromise. The bill was to pass with all admendments, and, instead of $3,000,000 in gross, it was agreed to add $800,000, and make it specific, viz: $300,000 for arming the fortifications, and $500,000 for repairs and equipment of ships of war. And my colleague finds fault even with this compromise, and says: "The appropriation was made positive, instead of being contingent upon a necessity not certain to come; and it was confined to two objects of permanent ordinary appropriation, still leaving the possible contingent danger unprovided for." I confess I am wholly at a loss to know what my colleague did desire. I can see one thing very distinctly—that he does not desire to agree with the Senate.

The appropriation bill, as agreed upon by the committee of conference, might have passed before or after the hour of 12 o'clock. I have no doubt the conferees

returned before half past 11. I have every reason to believe it. It might have passed after 12 o'clock, but for the improper interposition of a few members of this House, the friends of the Executive.

The bill was then returned to the House, and "a motion was made by Mr. Gholson that the House recede from its amendment, proposing to insert an additional section, as the second section of the bill, containing an appropriation of $3,000,000." On this question there were yeas 87, nays 110. All my colleagues, including Mr. A., voted to recede and strike out the $3,000,000, upon the success of which one might suppose some men thought the salvation of the country depended.

The report of the committee of conference was delayed by the chairman. After much delay, (the precise period I cannot state,) Mr. Lewis, another member of the committee, made the report; but objections were made that there was no quorum, and therefore it could not be adopted. The business was intentionally delayed, and the little time we had, wasted. Tellers were appointed; Mr. Cambreleng and Mr. Lewis, on counting, found there was not a quorum; not that a quorum was not present, but a sufficient number took care to be out of the way to defeat a quorum. And my colleague says we had not the power of Joshua of old, who commanded the sun and moon to stand still. We wanted no such power, but the power to move in the discharge of duty.

I have overlooked one fact of some importance; it is this: "Mr. Jarvis moved the following resolution, viz: '*Resolved*, That the hour having arrived when the term for which this House was elected has expired, we do now adjourn.' The said resolution was read, when the Speaker decided that it was not in order to offer it at this time, unless by unanimous consent, or a suspension of the rules; but suggested that the object aimed to be attained by the resolution could be accomplished by a motion that the House do adjourn. Mr. Jones, of Georgia, then, for the purpose of trying the question, and ascertaining whether the House thinks itself authorized to continue in session, and to transact business after 12 o'clock at night on the 3d day of March, moved that the House do adjourn. And the question being put, it was decided in the negative." This negative is a negative pregnant, affirming that we did think ourselves authorized to do business after 12 o'clock; thereby setting the seal of our deliberate vote to our own condemnation. But remember, the memorable report of the committee of conference had not then been made, though is should have been done, and there was a press of business that many members were desirous of transacting. The main pressure of constitutional scruples was upon the fortification bill, without the three million amendment.

Mr. Speaker, the fortification bill was reported to the House of Representatives January 2d, and passed the House January 21st, fifty-two days from the commencement of the session. We took fifty-two days out of the ninety-three to prepare the bill. It was then sent to the Senate, and returned February 24th, after thirty-four days, and seven days before the close of the session.

Our bill, as it passed the House of Representatives, contained appropriations for fortifications, - - - - -	$439,000
Senate's amendments, as finally agreed, -	430,000
Had we agreed to those amendments without adding a section of three millions, it would have passed without dispute.	
By the conference, it was further agreed to add $300,000 for arming the fortifications, and $500,000 for repairs and equipment of ships of war, making - - -	800,000
	$1,669,000

In all, one million six hundred and sixty-nine thousand dollars; a respectable sum; very respectable, compared with $439,000; and one would think, of all others, a majority of the House of Representatives ought not to complain.

Mr. Speaker, I perceived, before the hour of twelve o'clock on the 3d of March, a determination not to pass the bill. The report of the conference was held back. The bill was delayed. The chairman would not report, but voted, and spoke, and acted upon other business. Mr. Lewis at last reported the bill, and then constitutional scruples were interposed as to the hour and minute, and gentlemen would not answer when called. I believe the bill (the motives that influenced gentlemen I leave to themselves) was defeated intentionally by those who were known and called administration men.

Why did they, under various pretences, detain and defeat the whole bill? No change had taken place in our relations with France. There was no cause for change in appropriation, unless the secret will of the Executive produced that change. The House of Representatives acted a most singular and inconsistent part. They could not be induced to add a dollar to their bill appropriating $439,000, until March 3d in the evening, and then they insisted upon adding three millions, and it must be that or nothing. My colleagues and myself voted for all amendments and all increase, except the three millions, and would gladly have added the $800,000. But it must be three millions in addition, or the whole bill must be destroyed. It was destroyed. I could not vote for three millions. It was large in amount, indefinite in its object—for military and naval service, generally, under the direction of the President. The President's message was a war message. He had frequently, as far as I know, with every body, spoken of his desire for reprisal and war; and he knows how to accomplish his purposes better than any other man. I feared the consequences of putting the money in his hand.

I deeply lamented the failure of the fortification bill. Though I have long been a member of the House of Representatives, I never witnessed there such strange proceedings as on the 3d of March, in regard to the fortification bill. If the President believed the public good actually required an appropriation of three millions, which he informs us in his message "was inserted in accordance with the views of the Executive," he ought to have so informed us—not privately, to a few, but publicly—and to have presented the reasons for his views, that we might judge and act as responsible, free, and independent representatives of a free people. But three millions was "inserted in accordance with the views of the Executive;" a less sum was not in accordance with his views. And when a less sum was agreed upon by the committee of conference, and the chairman [Mr. CAMBRELENG] had returned to this House to make report of the result, (as he has just informed us in his speech,) he met in this House Mr. Forsyth, Secretary of State, who inquired whether the committee of conference had agreed; and when informed that a compromise had taken place, and that $800,000 had been agreed upon instead of the three millions, Mr. Forsyth pronounced it a pitiful sum. It will be understood that the President and his cabinet sit in a room appropriated for the purpose in the Capitol, during the last night of the session, to facilitate the business. The Secretary of State sits at the right hand of the President, as an adviser. He had just left the room, and might well be presumed to know and express the will of the Executive. It was not in accordance with the will of the Executive; and that was well understood by the chairman, by the remarks of the Secretary of State, if he heard nothing more; and he, and others who acted with him, seemed

most suddenly to lose all interest in the bill. It was determined that the bill, as finally agreed upon by the committee of conference, should not pass the House; that, as the Senate had refused to agree to the "three million amendment" proposed by the House, the loss of the whole bill, including ordinary appropriations for fortifications, should be charged to that body. This decision came with a weight and energy not to be withstood. The House would not pass a bill, the provisions of which the President's first Secretary had just pronounced pitiful. Then came the last scene--delay, constitutional scruples, refusal to vote, threats against the Senate, &c. &c.; and so perished the fortification bill in the House of Representatives.

As soon as this debate shall have been closed, (I hope and trust others who were present will not fail to express their opinions,) I am desirous of attending to the appropriation bills and other important business before the House. I trust some good may result from the evil of which there is so loud complaint; that we may not hereafter neglect the important business under our charge to the last few disputed hours of the session, when there may be neither time nor means to perform such duties with fidelity and sound discretion; when it may be in the power of a few, even a single individual, to defeat the most important measure.

I have always considered the fortification bill, with the three million amendment proposed, as a subject of vast importance, as involving more or less the question of peace or war--a question of vital importance to those whom I have the honor to represent. Since the President, in his annual message to Congress, has seen fit to complain of the loss of that bill; since the administration presses and administration men reiterate the complaint; since my colleague has seen fit to bring the subject before this House by a resolution and speech, I have felt bound to vindicate my own conduct, and the conduct of those with whom I had the honor to agree and act, and present the case to this House and the people, and especially to my constituents, to whom, without distinction of party, I am under obligations I shall never be able to cancel. I feel and acknowledge the weight of those obligations, and I trust, when my conduct shall be understood, their justice and candor will acquit me of negligence or want of fidelity in the discharge of my duty.

When Mr. REED had concluded his remarks,

Mr. HARDIN took the floor, and moved an adjournment.

The House then adjourned.

THURSDAY, JANUARY 28.

GRANT OF THE HALL.

Mr. McKENNAN asked the consent of the House to present a resolution, granting the use of the hall of Representatives to the Historical Society, on Saturday evening next, for the purpose of holding a meeting of said society. Mr. McK. said it was understood that the Secretary of War would deliver an address on the occasion.

Objection being made, Mr. McKENNAN moved to suspend the rule; which was agreed to—114 to 42.

Mr. McKENNAN then submitted the resolution indicated in his motion.

The SPEAKER said he had received a communication from a member of the Historical Society, making a request similar to the proposition before the House, which, if permitted, he would present at that time.

It was objected to.

The question being on the adoption of the resolution,

Mr. HAWES rose in opposition to it.

Mr. BOND inquired whether it was in order to discuss the resolution.

The CHAIR. Certainly.

Mr. HAWES said he had always given his vote against every proposition granting the use of this hall, which was built with the people's money, and for the exclusive use of their Representatives, for the purpose of holding meetings of certain societies. He should continue to oppose these indirect inroads upon the public Treasury. He understood the object of the members of these societies, in asking permission to hold their meetings in this hall. It was to save their own pockets. There was another building in this city, which was peculiarly suited for such meetings; but, by procuring permission to use this hall, two or three hundred dollars were taken from the public Treasury on every evening of such meeting, to pay for candles, wood, &c., which ought to come out of the pockets of the members of these societies. If it was an object of those gentlemen to save this expense, it was also his right and duty to object that it should be paid out of the public Treasury. It was perhaps a small matter; but if the House yielded to these applications for the use of the hall, they might expect, after a while, an application from a dancing society. He was opposed to granting this privilege to temperance, colonization, abolition, or historical societies. He considered them all upon a par. He concluded by calling for the yeas and nays on the adoption of the resolution; which were not ordered.

The resolution was then agreed to.

LAST YEAR'S FORTIFICATION BILL.

The House resumed the consideration of the following resolution, heretofore offered by Mr. J. Q. ADAMS:

Resolved, That so much of the message of the President of the United States to Congress at the commencement of the present session as relates to the failure, at the last session of Congress, of the bill containing the ordinary appropriations for fortifications, be referred to a select committee, with instructions to inquire into, and report to the House, the causes and circumstances of the failure of the bill.

The question still being on the motion of Mr. WILLIAMS, of North Carolina, to amend the resolution by adding thereto the words "with power to send for persons and papers"--

Mr. HARDIN rose and addressed the Chair as follows:

Mr. Speaker, it was either my good or ill fortune (for, at this time, I know not in which point of view to consider it) to obtain the floor last evening. To have consulted my own feelings and wishes on the subject, I ought instantly to have proceeded with what I had to say; it was late, and, to accommodate some gentlemen around me, I moved for the House to adjourn; which motion was agreed to. Gentlemen in more remote parts of the hall voted for it, as a favor accorded to me. I owe, and now tender to them, my most profound acknowledgments for their kindness manifested on that occasion.

Sir, the time, manner of presenting, and the subject-matter of the resolution now under consideration, seem to be a phenomenon in legislation. To review our proceedings for some days past is neither pleasant nor instructive: they contain nothing to feed our pride, flatter our vanity, or redound to the honor of this House; there is something in them so strange, so unaccountable to an ordinary observer, nevertheless so much in character with some of the leading members of the administration party in this House, that I hope to be indulged until I recapitulate them.

The appropriation bills have been reported to this House, and, put them all together, amount to something like ten millions more than for the same objects was appropriated last year, and near that amount more than an

average year since the commencement of the administration of General Jackson. This excess may be considered by this House as a war measure, and will be so viewed by the nation and the world.

These bills were, by an order of the House, at the instance of the chairman of the Committee of Ways and Means, made the special order of each day until they are all disposed of. The first bill taken up was that appropriating money for the navy; the House went into Committee of the Whole on the state of the Uuion on that bill. A war speech was made by the chairman of the Committee of Ways and Means, in his usual bustling, swelling manner. Several other speeches followed; and, towards evening, the gentleman from North Carolina [Mr. BYNUM] commenced a warm, animated, and eloquent, speech in favor of the bill, in a high-tone war spirit. The speech was about half finished when the gentleman gave place for a motion for the committee to rise, as it was late in the evening. Next day, the whole House came prepared to enter with spirit into the discussion of our relations with France, and all the measures which were about to be taken connected therewith. The party of the little Kinderhook hero seemed brimful of fight. We had been denounced, the evening before, by the gentleman from North Carolina, as the French party, which he declared now existed in this nation. The imputation we considered as unmerited, and intended to vindicate ourselves from so foul an accusation. Never did this House assemble in a higher state of excitement than was manifested on the next day: it was expected that the debate would progress with increased animation, and many a parliamentary lance would be hurled, broken, and shivered into pieces. The galleries were crowded at an early hour. When the time arrived for the House again to go into Committee of the Whole on the state of the Union on the navy bill, the gentleman from New York [Mr. CAMBRELENG] moved to dispense with the orders of the day, to take up the bill to relieve the sufferers by fire in New York. The motion prevailed; the orders of the day were dispensed with; the navy bill was laid down, and the bill to relieve the sufferers by fire in New York taken up. Some progress was made in that bill; but, before it was finished—nay, hardly commenced—the House adjourned. The next day, the House was not permitted to begin where it had stopped. No; what, then, was the course of business? The same gentleman from New York, [Mr. CAMBRELENG,]—who is the leader of the Jackson-Van Buren party in this House, or, if not the leader, is put in a position by the Speaker to lead—got up, addressed the House, and then read or alluded to a paragraph in a newspaper, which, he said, had attacked him personally; as if this House had any thing to do with the newspaper controversies of the honorable gentleman. As usual, he pompously commenced a vindication of himself; but, before he had uttered more than one or two sentences, wound up by saying that the source from which the alleged slander came was beneath his notice and unworthy of him. I beg the House not to forget that, at the same time, he intimated that the subject referred to in the paper would be brought before the House in another shape by the gentleman from Massachusetts, [Mr. ADAMS,] who instantly took the floor with the resolution now under debate in his hand, already cut out and made up to order. The rules of the House were again dispensed with, the gentleman from New York voting for it, and the present resolution was offered. I will not say that there was a secret understanding between those two gentlemen that the resolution should be brought before the House in this very extraordinary and unprecedented manner. The reason I will not aver that to be the fact is, because I do not know it; yet, there seemed to me to be something inexplicable in the matter, if there was no such understanding. Why did he rise, allude to the paragraph, and stop short, without proceeding with his vindication? He was too well acquainted with the rules of this House not to know that he was out of order. I have asked, and again repeat it, why, after he had commenced his defence, did he stop? and why did he intimate that the gentleman from Massachusetts would bring that subject before the House in another form? They must have conferred together, and the whole was a manoeuvre to enable the gentleman from Massachusetts to exhibit his resolution; which I consider an indictment, with one count against the members in this House who voted against the three million appropriation last session, another count against the majority in the Senate; but these two counts are only nominal; the real intent and meaning of the whole is to reach two of the honorable Senators, [Messrs. WHITE and WEBSTER,] who are now before the people as candidates for the presidency. It looks like a Van Buren trick; the hand of the magician is surely in this whole matter. If the gentleman from Massachusetts is capable of blushing or feeling one sensation of shame, that blush or sensation ought to be exhibited upon the present occasion. I call upon him to review his past life, the high and dignified offices he has filled, during a space of fifty years, with so much credit to himself and honor to the nation; and now but to behold his present fallen condition—the instrument of a vile intrigue. Self-debasement and degradation is a fatality which frequently awaits the inordinate ambition of an old man—that ambition which outlives his faculties.

Mr. Speaker, I hope the House will pardon me for this short digression. I will proceed with the history of this resolution, and its progress in the House up to the present time. The gentleman from Massachusetts, in support of it, addressed the House for nearly three hours, in a most elaborate speech, alike famous for its length, violence, and vituperation of his former political friends; filled to overflowing with the bitterest invective. Some of his remarks I intend to notice hereafter. He was followed by the honorable gentleman from Virginia, [Mr. WISE,] who addressed the House at length on the opposite side; and who, in his speech, exhibited great industry, research, and talents. But the ability he displayed, although very great, did not so much attract my admiration as his bold and manly bearing in delivering his sentiments. He forcibly reminded me of what that stern republican Roman said: that

> "A day, an hour, of virtuous liberty
> Is worth a whole eternity in bondage."

When the gentleman from Virginia resumed his seat, the honorable chairman of the Committee of Ways and Means, [Mr. CAMBRELENG,] with great pomp and parade, took the floor, and announced what he intended to do when he should address the House. He said it was too late to proceed that evening; but, before he moved an adjournment, with great arrogance declared he would not reply to the gentleman from Virginia; that he intended to encounter a champion more worthy of his steel—alluding to Mr. WEBSTER, of the Senate. I admired his courage; and felicitated myself that my eyes, at least once in my life, would be gratified by a sight of the battle of giants. There was something to command my admiration in his high resolves; it was a laudable ambition, even if he perished in the conflict. I love to see men matched fairly: let footman fight with footman, squire with squire, knight couch the lance and spur the fiery steed against knight: Fingal never left his rock and mixed in the strife of heroes, until Lathmon was in the field. When the gentleman took the floor on yesterday, I expected efforts commensurate with the undertaking; I listened to hear Jupiter

thundering from Olympus's cloudy tops, or, if not the thunder of Jove, at least the music of the spheres. But was there ever man so disappointed! Instead of the grandeur, magnificence, and sublimity, of thunder rolling along and shaking the earth from pole to pole, my ears were grated with the miserable sounds of a wretched performer on a Jew's harp! If an enlightened stranger were to visit this city during the sitting of Congress, and attend to the debates in the Senate and here, how this House would suffer in the comparison! If he should chance to hear the chairman of the Committee on Finance in the Senate [Mr. WEBSTER] developing, in his usual lucid manner, complicated questions of finance, and unfolding the almost exhaustless, although somewhat hidden, resources of this nation; and, after that, come into this hall, and hear the chairman of the Committee of Ways and Means on the same subject; whether the efforts of the great moneyed officer of this House would most excite his laughter or contempt, I cannot tell: the sublime and ludicrous are so nearly allied. His feelings would be not unlike those of an amateur of the great and awful workings of nature, who had just been a spectator of Vesuvius or Ætna in the appalling grandeur of a tremendous eruption, and then turning on the plain below, and seeing a mole or ant-hill emitting a pale smoke, and occasionally a feeble and sickly blaze.

Mr. Speaker, I have been a member of this House, or the Legislature of Kentucky, for nearly twenty-five years. I do not profess to have an intimate acquaintance with the rules and regulations which govern, or rather ought to govern, parliamentary bodies; yet I do profess to know enough of the order of proceeding as will enable me to do, and understand how to transact, the business confided to me either by my constituents or this House. I never made more of the rules my study than was needful for the doing of business. My ambitious aspirations have never been directed towards the Speaker's chair. I cannot give in to the modern doctrine, that, if the force of party, or the desire to propitiate the White House, should take a man from amongst us who is not above the mediocrity of this House, and make him Speaker, he thereby becomes one of the wise men of this land: it is the man who is to do honor to the chair, and not the chair to do honor to the man; if he does not fill it, his littleness, by his elevation, only becomes more visible and striking. If the same man, when in the chair, should select a man below the mediocrity of this House, and put him at the head of the most important committee, I am equally disinclined to believe that he thereby becomes "a very Daniel of a man." Sir, since Elijah went to heaven in a chariot of fire, and cast his mantle on Elisha, and he thereby became a prophet, God has not vouchsafed for any other man on this earth to be thus gifted.

Mr. Speaker, I declare to this House that such a resolution as the present I never before saw. Does it propose any thing for the action of this House? I answer, no. Does it present any thing for the action of the Senate? It does not. We are to raise a committee in this House to inquire and report why a certain bill, which was before Congress at the last session, did not pass. Let the committee report as it may, no action of this House can be based thereon or grow out of it. Can we impeach the members of the Senate, or of the last House of Representatives, who voted against the three million appropriation? Every man in this House knows we cannot.

One of the main objects of this resolution is to raise the committee. Will that committee examine witnesses? No. The gentleman from Massachusetts will draught a report, based upon his distorted view of the transaction; for I well know the part he took in it last session. It will be filled with bitter denunciations of his former political friends and associates, to conciliate the opposite party, and make his peace at the palace. I have no doubt the report will not exhibit any one fact exactly as it took place: to tell the truth, the whole truth, and nothing but the truth, is far from the object of the gentleman concerned in this matter. A war is to be made on the Senators, to cheapen and lessen their standing with the people of the United States. Messrs. WEBSTER and WHITE are to be assailed without mercy in the report, and food furnished for all the administration presses in the Union, next summer, to abuse those who voted against the appropriation in either House. I ask, does it become the dignity of this august assembly, the wisest and freest on earth, to degrade itself for such a vile purpose—the inglorious one of becoming panders to collect and imbody slander for the office-holders and office-hunters, some of whom are now feeding, and others expect shortly to feed, upon "the spoils" of this nation, as if we were a conquered enemy; and who are the only self-styled, self-created democracy of the country—a word justly dear to a republican, and only used, in these degenerate days, by designing knaves, to flatter and deceive the people?

I boldly and fearlessly pronounce the resolution to be unparliamentary, unprecedented, and disgraceful to those concerned in it. No man can misunderstand its object: it is an inquisition of entitling for Van Buren. If, Mr. Speaker, I had no other reasons than those I have this moment assigned, I would vote against the resolution. If the gentleman from Massachusetts wishes to cut a somerset, let him do it as a clown in the pit: do not give him a spring-plank to leap from; I want to see him turn a somerset as a ground, not a lofty tumbler: he is not unaccustomed to these things; he has frequently done it before, without the aid of a committee, and let him do it again.

I will endeavor now to give a brief and rapid sketch of the history of the fortification bill, as it is called, and of the three million appropriation attached to it, by way of amendment, in the last stages of the progress of the bill.

The fortification bill was reported to this House by the proper committee; and, after remaining here some fifty days, it passed, and was sent to the Senate for the action of that body. The appropriations in the bill, at that time, amounted to $559,000; this being the sum then deemed sufficient by the Department of War. The bill was sent to the Senate, and there met the prompt attention of that body. It passed the Senate with amendments making additional appropriations to the fortifications of the country to the amount of $430,000; making $989,000. On the last day of the session, the bill, as amended, came from the Senate for the concurrence of this House in the Senate's amendments. If the friends of the administration only wanted the fortification bill, all they had to do was to agree to the amendments of the Senate. It contained $430,000 more than was asked for originally by the President and War Department, and more than the usual and customary annual appropriations for the same objects. The annual appropriations for fortifications since the war amount, each year, to these sums:

Appropriations for fortifications since the treaty of Ghent.

For 1814, -	$552,999 43	For 1822, -	$385,679 86
1815, -	451,389 93	1823, -	481,692 67
1816, -	396,261 02	1824, -	514,816 25
1817, -	381,969 61	1825, -	729,783 05
1818, -	635,923 66	1826, -	760,238 86
1819, -	972,964 46	1827, -	633,961 14
1820, -	675,376 23	1828, -	637,558 43
1821, -	316,720 69	1829, -	824,589 55

For 1830, -	$951,000 00	For 1834, -	$871,044 00
1831, -	816,604 00	1835, -	100,000 00
1832, -	753,000 00		
1833, -	926,900 00		$13,770,472 84

But on the last day of the session, and about sunset on that day, did the gentleman from New York [Mr. CAMBRELENG] move to agree to the Senate's amendments, with an amendment; which amendment contained the famous three million appropriation.

Had the President sent us any communication on the subject? No. Had we heard that the War Department wanted it? No. Some few favorites, it seems, had been so informed; but they kept it a profound secret. Why did they not communicate it to the House, if it was an executive measure? If General Jackson desired the money, for the purposes of carrying on the Government, why not say so? He has never heretofore been backward in telling us what he wished done. Did he want the money, and yet not dare "to assume the responsibility" of asking for it? Upon all these subjects of information we were left in the dark. The Executive of this and every other Government informs the legislative department what amount of money is necessary to carry on the Government; and the legislative department is never in fault, until they refuse to appropriate the money after it is demanded.

The appropriation of the three millions was asked by the gentleman from New York too late for any of us to make inquiry of the President, or the War Department, as to the fitness and propriety of the measure; and, if we had made the inquiry, it is evident no information would have been given; or why did the chairman of the Committee of Ways and Means [Mr. POLK] keep it a secret, and request some few others, who knew that the President wanted the money, not to divulge it? Surely, the leaders of the administration party intended to sport with and mock the House.

Mr. Speaker, if there had been no other cause than the want of time and of information on the subject, we did right to vote against the three million appropriation. I, for one, will never give away the money of my constituents, unless I know the why and wherefore it is asked and demanded.

About dark, on the last day of the session, the bill went back from this House to the Senate, for the concurrence of that body to the three million appropriation. The Senators had no information of any kind on the subject, either official or informal; they had no time for investigation; they must either vote the money instantly, without light or knowledge on the subject, or reject the appropriation and disagree to our amendment. They, as became sages and patriots, chose the latter alternative: they acted with becoming dignity and manly independence, in true character with themselves. The bill came here with the disagreement of the Senate to our amendment; we insisted, and sent it back to the Senate: the Senate adhered to their disagreement; we again insisted, and asked a committee of conference; and a committee was accordingly appointed. The Senate agreed to the conference, and appointed a committee on their part. The conferees met, and agreed on reducing the three millions to eight hundred thousand dollars; thus making the whole bill contain appropriations to the amount of $1,789,000. After the conferees had agreed, the chairman of the committee on the part of this House [Mr. CAMBRELENG] refused to report to the House, and the whole bill was thereby finally lost.

Mr. Speaker, after this short history of the origin and progress of the bill through both Houses, the next inquiry will be, why was the bill lost? and, if there be blame and cause of censure any where, who is in fault?

This part of the inquiry has been somewhat anticipated by what I have already said. I maintain the proposition, that those in this House who voted against the three million appropriation are not to blame, nor can any censure be alleged against the Senate. The administration party had a decided majority in this House, and the complete and entire control of the standing committees; they could bring forward a measure when they pleased, or keep it back as long as they pleased. Then, I ask, nay, demand, why did they not bring forward the proposition for the three million appropriation sooner? Our relations with France were then in about the same situation they had been for some weeks before; no change; no recent information had been received on the subject; there is nothing in the whole matter to justify the withholding the demand for the appropriation to so late a period; and, if it was really lost for want of time, who are answerable for it? The answer is obvious. Those in power, and whose business it was to bring forward the proposition. This House and the Senate acted on the subject with unusual promptitude and despatch.

The gentleman from New York has said that the hour of 12 o'clock had arrived before the committee of conference met, and that he believed the House dissolved by the constitution at 12 o'clock. If this was his opinion, why then meet at all? When he was called on for a report from the committee of conference, he gave this constitutional opinion as one of the reasons why he would not report, which reads in these words:

"Mr. Cambreleng, the chairman of the conferees on the part of this House, then rose and stated that he declined to make report of the proceedings of the committee of conference aforesaid, on the ground that, from the vote on the resolution granting compensation to Robert P. Letcher, which vote was decided at the time the committee returned into the House from the conference, it was ascertained that a quorum was not present; and, further, that he declined to make the said report on the ground that the constitutional term for which this House had been chosen had expired."

I will now, Mr. Speaker, turn the attention of the House to the journal. In page 519, it reads as follows:

"A motion was then made by Mr. Hubbard that the House do ask a conference with the Senate on the disagreeing votes of the two Houses on the said amendment.

"And on the question, Will the House ask a conference?

"It pas ed in the affirmative. And

"Mr. Cambreleng, Mr. Lewis, and Mr. Hubbard, were appointed managers, to conduct the said conference, on the part of this House."

The committee of conference was appointed, I think, about 10 o'clock at night. I had the honor of then being a member, and an attentive observer of all that passed. The House then went on to do business to such an extent as to fill up two pages and a half of the journal, when the Cumberland road bill was taken up; and on that bill two of the committee of conference, Messrs. Cambreleng and Hubbard, voted in the negative; see journal, page 522. It will be perceived that, at this time, the committee of conference was in the House and voting. About 1 o'clock A. M., the House voted on the resolution to pay Mr. Letcher his per diem allowance when contesting his seat with Major Moore. Mr. Cambreleng voted on that also; see the journal, page 324. I ask the gentleman from New York, when did the committee of conference meet? He says, after he voted on the resolution to pay Mr. Letcher. I ask him again, if you were in earnest about this whole matter, and intended no trick, why did you not go out before? Why did you stay, after your appointment at 10 o'clock, until one, before you attempted to meet in conference, when, from your own statement, you were of

opinion the House was dissolved at twelve? Is there not a palpable dereliction of duty in not attending the committee of conference sooner? The fact and truth is, Mr. Speaker, the gentleman was not remiss in meeting in conference. He did go after his appointment, and returned before the Cumberland road bill was taken up; but, not liking the result of the conference, or perhaps from some lurking desire to injure the Senate, and cast the odium of the loss of the bill on that body, would not report.

There is, evidently, a piece of political jugglery in this whole business; and the gentleman from New York and his confederates were the prime movers and actors in the whole scene. The gentleman says that there was no time to hold the conference, after his appointment, until the Cumberland road bill was taken up. I repeat again, what I have said before, that there was business transacted, enough to fill two and a half pages of the journal; and three speeches were made—one by the gentleman from Missouri, [Mr. ASHLEY,] to take up a bill relative to his State; and two by gentlemen from Maryland, against the bill from the Senate which abolished the Maryland and Delaware judicial circuit. That reason of the gentleman is unfounded in fact. The gentleman has one of the two horns of the dilemma to take—either to stand convicted of not going to conference until after twelve o'clock, when he then believed the House dissolved; and going after that time and conferring, when he admits he had no power to act as a member: the other alternative is, that he went in time, returned in time, and then refused to make the report.

So, take it any way that the question can be presented, the loss of the bill is attributable to the gentleman from New York, and none else. The gentleman has one pleasing consolation left to him; he stands, in relation to this House, and this great and wide-spreading republic, in the same position that the ancients believed Mount Atlas did towards the heavens—he can bear it all upon his own shoulders.

The gentleman from Massachusetts attempts to throw the loss of the bill upon those who believed the House to be constitutionally dissolved at 12 o'clock on the 3d of March last. Although I then entertained that opinion, and acted on it, which opinion I have not since changed; yet, even if we were wrong, the gentleman ought to recollect that that error of opinion does not exculpate the gentleman from New York, [Mr. CAMBRELENG.] I ask the gentleman, [Mr. ADAMS,] if it would not be wise and prudent in him at least to see who is to be most affected by entertaining that opinion! If there be error in it, will it fall heaviest upon your old and now deserted political friends, or your new allies, whom you are now courting with such marked attention and assiduity, and who, after they use you, will not give you your expected and hoped-for reward; no, not even the thirty pieces of silver? General Jackson entertained that opinion, and acted on it; Mr. Van Buren entertained that opinion, as a matter of course—by instinct, I suppose. If my memory serves me right, he held a short conversation in this hall that night with a gentleman from New York, [Mr. BEARDSLEY,] who directly afterwards refused to vote, as appears by the journal, which reads in these words:

"A motion was made by Mr. Jarvis, that the House do now adjourn.

"And, in deciding the question by yeas and nays, the name of Samuel Beardsley, of New York, being called, he declined to answer, on the ground that the term for which the members of the twenty-third Congress had been elected had expired; and that, according to the constitution of the United States, this House had ceased, at 12 o'clock to-night, to exist.

"After some remarks and suggestions from various members, and from the Chair, it was informally agreed to pass the name of Mr. Beardsley."

This argument of the gentleman from Massachusetts is a two-edged sword, and, when wielded by him, cuts ten of his new associates for one of his old friends.

I, however, do not much censure the gentleman for entertaining the opinion that the President and Congress can each hold their offices, one after the four years, and the other the two years expire. How long after the time shall expire they can continue in office, he does not state; at least long enough, I suppose, to do what they desire, and to finish what they have on hand. This question revives his ancient recollections and reminiscences. I once heard of a President who, between midnight and day, and that, too, after his four years had expired, made a batch of judges, to reward some of the high-toned federalists of the old school for past services.

I have remarked, Mr. Speaker, that I differed on that night with many of my friends about the time when Congress was dissolved by the constitution. If I can obtain the indulgence and patient attention of the House, I will submit a few remarks in support of my opinion. The constitution of the United States, in relation to Representatives, in the second section of the first article, reads in these words:

"The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

And, in relation to the election of President, article second, section the first, reads as follows:

"The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows," &c.

The time, place, and manner, of electing Representatives, are, by the constitution, left to the States. The provision on that subject reads in these words:

"The times, places, and manner, of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing Senators."

From these provisions in the constitution of the United States, it is clear and manifest that a Representative is elected for two years, and the President for four years. When does the time commence? is the next subject of inquiry. Not at the time of the election, for the President is elected the fall before the 4th of March; his election is complete when the electors give him a plurality of votes: the mode of ascertaining that fact has nothing to do with the time of election. Representatives are chosen for two years: the two years cannot commence from the time of the election, because the States regulate the times of the election of their respective members, and hardly any two States elect at the same time; consequently, there would be no uniformity as to the time of commencement or termination of the two years. Frequently members are elected more than a year before the Congress commences of which they are members, and the same man who is elected is, at the time of election, a member of a preceding Congress, and serves one session in it after his election to a succeeding Congress.

The constitution did not, in the body of it, say when the time should commence, and when end. The reason is obvious. The convention did not know when nine States would ratify the constitution; and, until then, the time when the Government under it should commence could not be fixed; hence, no time is fixed on in the constitution for the commencement of the Government. The convention adopted a resolution, in these words:

"*Resolved*, That it is the opinion of this convention that, as soon as the conventions of nine States shall have ratified this constitution, the United States in Congress assembled should fix a day on which electors should be appointed by the States which shall have ratified the same, and a day on which the electors should assemble to vote for the President, and the time and place for commencing proceedings under this constitution. That, after such publication, the electors should be appointed, and the Senators and Representatives elected. That the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed, and directed, as the constitution requires, to the Secretary of the United States in Congress assembled; that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening, and counting, the votes for President; and that, after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this constitution."

This resolution declared that Congress, when the ratification of nine States took place, should fix on the day when the Government should commence. Congress did designate the day by a resolution, which reads in these words:

"*Resolved*, That the first Wednesday in January next be the day for appointing electors in the several States which, before the said day, shall have ratified the said constitution; that the first Wednesday in February next be the day for the electors to assemble in their respective States, and vote for a President; and that the first Wednesday in March [4th] next be the time, and the present seat of Congress [New York] the place, for commencing proceedings under the said constitution."

By this resolution of Congress, the 4th of March, 1789, was the day fixed on by Congress. On that day, the present Government was to commence under the constitution, and on that day it did commence.

The caption to the acts of the first Congress proves that the Government of the United States commenced on the 4th of March, 1789; which caption reads in these words:

"Acts of the first Congress of the United States, passed at the first session, which was begun and held at the city of New York, in the State of New York, on Wednesday, March 4, 1789, and ended September 29, in the same year."

The 4th of March, 1789, after being fixed on by Congress, in pursuance of a resolution of the convention, is just as binding as if it were inserted in the constitution itself. It is the execution of a power; and when the execution takes place, in strict conformity to the power, it then becomes the act of those giving the power.

The term of each President is for four years, the first term having commenced on the 4th of March, 1789. When did General Washington's first term commence? The answer is, on the 4th of March, 1789; his second term on the 4th of March, 1793; and the term of office of each of his successors has been computed in the same way, from that time to the present. The same rule of construction is to be resorted to as to Representatives, except that their term of service is two years. Surely, Mr. Speaker, there can be no doubt, dispute, or controversy, as to the day when the time shall commence to run.

What is the time that completes one year? Suppose we begin on new year's day: the answer is, the last day of the December following, which completes the three hundred and sixty-five days. Every negro that has been hired out on a new year's day for a year knows the year is out on the last day of December following. The week has seven days: suppose we begin with Monday, are not the seven days completed on Sunday? I am elected for two years: if my time commences on the 4th of March, is it not out on the 3d of March two years thereafter? Let us see how the law computes twenty-one years, the age of maturity, for a man or woman. Blackstone's Commentaries, first volume, page 463, reads in these words:

"So that full age in male or female is twenty-one years, which age is completed on the day preceding the anniversary of a person's birth."

That the Representative's term of service commences on the 4th of March every two years, and expires on the 3d of March two years afterwards, is a position so plain that none can gainsay it—no one attempts to dispute it. The whole question comes to this at last: when does the 4th of March commence, and when does the 3d of March, two years afterwards, end? The law makes no fraction of a day; the legal time, as universally settled, is, that the day begins at midnight, and ends at midnight: in the computation of time, the law knows no night. Suppose a man were under trial for Sabbath breaking, and the proof was he broke the Sabbath on Sunday morning between daybreak and sunrise: would any judge or jury let him off, upon the ground that it was on Saturday he committed the act? Or suppose it was proven that the person under trial did the deed alleged against him (say, went to ploughing) on Monday morning, ten minutes before sunrise; would any judge dare say that was Sunday, and he was guilty of Sabbath breaking? Our constitution must be construed as any other part of our law would, for it is a part of the law of the land. This mode of computing time has been long regulated by mankind, and it is now too late to dispute it.

The conduct of gentlemen, who contended last session that the computation should be made from sunrise to sunrise, and that Congress could continue its session till sunrise the 4th of March, distrusted their own opinion; and it was only as the last alternative that they were driven to assume that ground.

On the last night of the last session there were a number of bills on the Clerk's table; each bill had its friends. About ten o'clock, it was perceived that the bills, or some of them, would be lost for want of time. A clockmaker in this city was procured, and conveyed behind the clock of this hall; he moved the hands back eighteen minutes. I saw it done, and announced the fact to those who sat near me. Immediately afterwards, when the eyes of fifty gentlemen were on the clock, its hands were moved back one hour more; then, a member from North Carolina proclaimed the fact to the House. I have since been informed that the man who had this done was then a member of Congress, and has since boasted of it; and that he procured it to be done to get a favorite measure he was interested in through the House. Why did he do it? Because he was of opinion that the time would expire at midnight; yet the same man was arrayed with those who afterwards contended that sunrise next morning was the time, and not midnight.

Mr. Speaker, I had on that night the consolation to find I did not stand alone in my opinion. A large part of the members present agreed with me, and some of the ablest constitutional lawyers of the House were of the number; among whom I now recollect were two members from Georgia, Messrs. Foster and Gilmer, Mr. Archer from Virginia, and a gentleman from Ohio, who is a member of the present Congress; and on that account I cannot designate him by name. He is a man of great talents, and an able lawyer. This description, I fear, will not enable me to point him out to the House, as it is equally applicable to a number of gentlemen from that State.

Sir, as it respects myself, I voted against the three

million appropriation, because I did then, and do now, believe the amendment, as drawn up, was unconstitutional, and highly impolitic. To this point I intend, in a few moments, to call the attention of the House; but, before I do it, a remark of the gentleman from Massachusetts demands some notice. It was intended as an apology for the administration party in not asking Congress for the three millions sooner, and why the Executive did not require the money, and that it devolved on Congress to act without such requirement. He said it was the unanimous vote of this House, given the day before the amendment was offered, that superinduced the necessity of the appropriation. I deny the fact. What was that vote which was alluded to by the gentleman? It was nothing more nor less than this: that we would stand by the treaty, and insist on its execution. We intended to say to France, Our demands against you are closed by the treaty; the sum you are to pay is settled definitively; and we will not open the contest again, and reinvestigate our demands. That was what was intended by the first member of the resolution, which resolution reads in these words:

"*Resolved*, That, in the opinion of this House, the treaty with France of the 4th of July, 1831, should be maintained, and its execution insisted on."

The second member of the resolution, that we would insist on its execution, means no more than this: that we held the highest and most solemn obligation on France that a nation could give, and that we would insist on its fulfilment. But did it point out how and in what manner we intended to insist? Did it say we intended to resort to arms, the last argument of nations? I answer, no. We carefully forbore to say, or even to intimate, what we intended to do. Our intention was to regulate our conduct by the subsequent action of the French. We, in truth and fact, designed doing nothing until the French Chambers should have an opportunity again to act on the bill appropriating the twenty-five millions of francs. We were desirous to wait, and suspend action until we should see what a sense of justice would do with the French people, or what the feelings of shame would do when the reprobation of the nations of the civilized world was pointed towards them for a breach of national faith in not fulfilling the treaty stipulations on their part. I, for one, never thought of such an appropriation being asked for, and of this demand being based on the resolution of the House. I believe it is an afterthought of the gentleman from Massachusetts, and that he himself did not then suppose that such an appropriation became necessary in consequence of the adoption of the resolution.

Connected with the observations of the gentleman just noticed, he made another, on which I feel bound to animadvert. It was to this import: that for three days a number of members spoke against the resolution, and then, in a crouching spirit of pusillanimity, turned round and voted for it, not daring to meet the just indignation and reprobation of their constituents at home. I was one of those members who spoke on that occasion against a resolution, and then voted for that which passed; but I deny that that debated for three days was the one which passed. The one that was adopted and passed by the House was worded to meet the views of all the gentlemen; because, upon a great question of national difficulty with a foreign nation, and particularly with a nation of tremendous power, nothing could be more desirable than unanimity. The resolution against which the speeches were made contained, among other things, an expression that we would insist on the treaty "at all hazards." That expression we thought unbecoming the dignity of this nation. To say we insist on the treaty was enough, and all we ought to have said; let the rest and residue be understood, which is no less nor more than this: that we knew our rights, and would, in a becoming spirit of moderation and true dignity, maintain them; that the pride of the people should not be wounded and humbled in the affair; and that the honor of the nation should come out of the contest, be its results whatever it might, unstained and untarnished. Did it become us to vapor, like a bully, by using the words "at all hazards?" It is no certain indication that a man is going to make a desperate battle in defence of his rights and honor because he gasconades, and deals out menaces and blows in the empty air, before he begins to fight. I have ever considered it as the certain sign of a coward; that fear is his ruling passion; and that he either wants to intimidate his adversary, or goad himself up to the fighting point by his rage and fury. The words "at all hazards" as little became us as it suited the occasion. To whom was it addressed? To the most sensitive, powerful, gallant, and chivalrous nation upon the earth. We wanted France to do us justice. We did not want war, although we did not fear it. The Americans know not fear. The bullying expressions of "at all hazards" would have produced an effect directly opposite to what we desired.

I well recollect what took place in those days, ever memorable for the debates which took place, and not less memorable for the part the gentleman from Massachusetts played on that occasion; and certainly no expression, when applied to his conduct during that time, suits as well as the word *play*. He would speak on one day on one side of the question, as the House understood him, and the next day explain it away, and advance a contrary doctrine. He alternated in this manner some two or three times. I had the honor of addressing the House after his last speech. I commenced my remarks by saying that the law in relation to wills always considered the last will as controlling or revoking all other wills made on the same subject; or, if there was but one will, with contradictory provisions, the last clause controlled the previous ones; and, with that rule as my guide on the then present occasion, I should consider the speech which the honorable gentleman from Massachusetts had just made as his last will and testament of and concerning our French relations. Mr. Archer, of Virginia, immediately remarked that the rule I laid down was correct, but one explanation ought to be given: that was, that the testator, when he made his last will, was of sound mind and disposing memory; and when that rule was applied, he doubted whether the gentleman had made a will at all.

Mr. Speaker, I remarked, a few moments ago, that I intended to question and contest the constitutionality of the amendment to the fortification bill which contained the appropriation of three millions of dollars. The constitution of the United States has the following provision in it:

"No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

From this clause in the constitution, no money can be drawn from the public Treasury unless Congress shall first appropriate it by law. To do that in the true spirit and intention of the constitution, the law appropriating the money must say to which object of public service it shall be applied. The more particularly the objects are described and designated, the better does the law fulfil the requirements of the constitution. If Congress were not bound in duty to name specially the object to which the appropriation was made, why not pass a general law, and say the whole revenue of the country should be used by General Jackson for the general welfare of the nation, as he may deem proper and expedient? or say that

twenty-five millions, or any other given sum, was set apart for the Government of the nation, to be expended at the will and pleasure of the President?

The members of Congress come here to assist in administering this Government; to see to every part—the army, navy, and civil departments, and every subdivision of each; how many men are wanted for the army; what pay they shall have; how many vessels of war, and what description of vessels, the public service requires: in short, nothing that concerns the nation, in its most minute details, ought to be overlooked or neglected by Congress; but each branch of the public business attended to and provided for: to see just as much money is appropriated to each as is necessary, and no more; and that every dollar which is expended is rightly applied, as directed by Congress.

The clear and certain meaning of the word *appropriate*, from the force of the term taken in connexion with the subject-matter, means a specification of each object to which the money is to be applied; and too much care cannot be taken in the details of the appropriation, and in their rigid application to the specific objects. We are but the agents of our constituents; it is their money we vote away. We are bound to know the why and wherefore it is asked and granted. Let us apply these rules to the amendment which proposed to appropriate the three millions. The amendment reads in these words:

"*And be it further enacted*, That the sum of three millions of dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, in whole or in part, under the direction of the President of the United States, for the military and naval service, including fortifications and ordnance, and increase of the navy: *Provided*, Such expenditures shall be rendered necessary for the defence of the country prior to the next meeting of Congress."

It is for the military and naval service, including fortifications. As to how much is to be expended on each object, the amendment is totally silent. The whole sum may be expended on the army, navy, or fortifications, at the will and pleasure of the President; or he may, at his like will and pleasure, refuse to expend one dollar on any one of these objects.

But suppose all or a part was to be expended on the army; for what part of that service was it to be expended? How was it to be applied? The amendment is silent. The same remarks will apply to the navy and fortifications. Where is the difference in the amendment, as drawn, and a general standing law giving to the President a sum in gross, say twenty-five millions a year, to carry on the Government as he chooses?

It is, sir, a duty which we owe our constituents to see to the proper application of every dollar of their money to their Government; for it is their Government yet, at least nominally, and not the President's.

Mr. Speaker, there are momentous and mighty considerations which ought to induce Congress to be watchful over the purse of the nation. Recollect the President, by the constitution, already has the sword of the nation; give him the purse also, and we are an undone people. I do not speak with reference more to the present President than to any other who may come after him. The power and patronage of the President are enormous and alarming to all lovers of civil liberty. The Executive of this republic has more real and substantial power this day than any crowned head in Europe. Satiated with the enjoyment of his power, he is about to retire; and, to show his contempt for the American people, he is about to put one of his minions into his office as his successor, whose only merit is his servile boast that "it was glory enough to have served under such a chief."

What way is left to us by the constitution to diminish, check, and control it? No way but one: that is, not to give one dollar of the people's money away more than is necessary to carry on the Government, and every dollar we give to see how and in what manner it shall be expended, and to guard with great vigilance that it shall be expended in no other way.

The Government of Great Britain is a monarchy; but the King of that great and mighty nation has not the tenth part of the real power that the President of the United States has, and which he exercises in its fullest plenitude, day after day. In that country, the people govern and control every thing; here, the will of General Jackson is almost omnipotent. There, the people can say to their King, emancipate your Catholic subjects; and their chains burst from around them. They can say what law they want passed, and he is obliged to sign the bill: no veto there; he dare not exercise it, at the peril of his head. They can bid him make peace, if the nation be at war; and peace he must make. They can tell him to dismiss his ministry; and they must go out of office. The power of the people the Duke of Wellington, the favorite of the King, the pride of the nobility, and the conqueror in a thousand battles, has experienced upon several occasions.

You will ask, Mr. Speaker, how is it that the voice of the people reaches the King on his magnificent throne, and makes the nobility tremble at its footstool? I answer, by the simplest principle imaginable, which is ingrafted in their Government: that is, to withhold the appropriation bills until the King and ministry do as they command and order to be done. I tell to every man in this House, and to every man in this nation, this solemn truth: either to abridge the power of the President by altering the constitution, or control the President by the appropriation bills—refuse him the money, and he will be as powerless as Samson was after his hair was cut off. The vile creatures who now administer to his power go in for "the spoils." Cato the elder, in the Roman Senate, for a number of years, regardless on what subject he made a speech, concluded them all alike—that "Carthage must be destroyed:" so, the members on this floor ought to conclude every speech with these words, until the object is effected--that the President's power has increased, is increasing, and ought to be diminished.

I have made these remarks, Mr. Speaker, upon the constitutionality of the amendment, drawn in the general terms in which it was; and that it did not, in consequence of its generality of expression, and its manifest want of specification, conform to the spirit and intention of the constitution.

The next point to which I contemplate inviting the attention of the House is the impolicy of the appropriation. It will be recollected that all the appropriation bills for the current expenses of the year had passed, containing appropriations for every part of the public service, to the full extent of the estimates. The fortification bill, as amended by the Senate, was for a larger sum than usual. If this House had concurred in the amendment, without adding the three millions, the bill would then have passed both Houses; and nothing would have been necessary to make it a law but the signature of the President.

The three million amendment must therefore be considered as a war measure; not positive, absolute, and certain, but left to the President for him to adopt, or not, at his pleasure. War preparations and war itself belong alone to Congress; to adopt the one, and make proclamation of the other. In no event, should the President be permitted to hold in the palm of one hand war, and in the other the olive branch of peace. The people are to do all the fighting, and they alone should determine on war. Of all the men on this earth, a military man is the last to be trusted with this power. His

character has been made by war; he has studied it as a science, followed it as a profession, and considers it necessary to his popularity and glory.

It was impolitic to confide such a power in the hands of General Jackson. The fitness of every man for the trust about to be confided to him ought to be considered and weighed well before the act is done. What I might be willing to confide to Jefferson, were he President, I might be unwilling to intrust to Jackson. I might be willing to leave peace or war to Jefferson, and unwilling to commit the same power to Jackson. So, on the other hand, I would confide to Jackson the command of an army, when I would not to Jefferson. But, in truth and fact, as I have before said, I would not leave the alternative of peace or war to any President. Nevertheless, this House proposed, by the amendment, to commit to General Jackson that delicate trust and duty, which, of all men living, he was the worst qualified to discharge. Had the amendment passed, instead of being at peace with France, as we now are—and there is every hope and prospect of its continuance—we should this day, no doubt, have been in the midst of a wide-spreading and bloody war.

To decide impartially upon the conduct of those who voted against the appropriation last session, (for the gentleman from Massachusetts has arraigned us all at the great bar of public opinion,) let us see and examine the position of this Government and that of France, in their relations with each other, at the time the appropriation was asked for.

During the Imperial Government of Bonaparte, aggressions and spoliations to a great extent were committed by the subjects of that Emperor upon the private property of our merchants, on the high seas. The amount of injury was variously estimated by the two Governments. These injuries were inflicted near thirty years ago. Satisfaction was demanded by this Government of Bonaparte, which was denied. After his dethronement, and the restoration of the Bourbons, a like demand for reparation was made by this Government of Louis XVIII. He refused to make satisfaction. After his death, and on the accession of Charles X to the throne, indemnity was demanded of him, which he delayed and failed to render. When Louis Philippe was made King, in 1830, indemnities were demanded of him by our Government. He immediately opened a negotiation on the subject, and ultimately agreed to pay twenty-five millions of francs, out of which were to be deducted one million five hundred thousand, which the United States owed a subject of France, leaving four millions seven hundred thousand dollars to be paid by the Government of the French to the citizens of the United States; that being twenty-three millions five hundred thousand francs. This money could not be paid by the King of the French until the Chambers should appropriate it. The constitution of France is exactly like our own, on this subject; and I have no doubt Lafayette, who was concerned in making it, had our constitution in his view.

The King and his ministers can make treaties, and stipulate for the payment of money; but it is the constitutional right of the Chamber of Deputies alone to vote the appropriation, or not, as they please. So with our Government: the President and Senate can make treaties, and stipulate for the payment of money, but Congress alone can appropriate it. The part of the French constitution to which I refer reads in these words:

"13. The King is the supreme head of the State; he commands the forces by land and sea, declares war, makes treaties of peace, alliance, and commerce, appoints to all employments in the public administration, and makes the regulations and ordinances necessary for the execution of the laws, without ever having the power either to suspend the laws themselves, or to dispense with their execution. No foreign troops, however, can be admitted into the service of the State but by virtue of a law.

"14. The legislative power is exercised collectively by the King, the Chamber of Peers, and the Chamber of Deputies.

"15. The proposition of laws belongs to the King, the Chamber of Peers, and the Chamber of Deputies. Nevertheless, every law of taxes must be first voted by the Chamber of Deputies.

"16. Every law must be freely discussed, and voted by the majority of each of the two Chambers."

The French King and his ministers presented the bill for the appropriation to the Chambers; and, after a long and angry debate, it was rejected by a vote of one hundred and sixty-eight for it, and one hundred and seventy-six against it.

The moment the bill failed in the Chambers, the French Government sent an apology to ours for the failure, and pledged the faith of the Government again to bring the subject before the Chambers at its next session.

Thus the matter stood at the time this war measure was about to be adopted, and those extraordinary powers confided to the President, at the last session. For voting against this bill, thus circumstanced, has the newborn zeal and patriotism of the gentleman from Massachusetts prompted him to file this his bill of indictment against us; and, for one, if there be guilt in it, I plead guilty.

The minister of France who negotiated the treaty informed our minister that the power to appropriate the money belonged to the Chambers alone, and that he was fearful there would be great difficulty in procuring the passage of a law to pay the money. All that the King and his minister promised to do, or could accomplish, was done. An unnecessary delay is alleged, in presenting the bill to the Chambers. I am not able to say whether there was such delay, or not, as would subject them to the imputation of negligence, as I have no acquaintance with the forms and rules of proceedings in the Chambers. In fact, none can tell, situated as we are, whether there was this unnecessary delay or not. In presenting a bill for the action of this House, or the French Chambers, I presume some attention must not only be paid to the forms of proceeding, but a well-exercised prudence and discretion would require an attention to the more material and substantial part: that is, to see that Congress, or the Chambers, were well-disposed towards the measure. This circumspection and vigilance is absolutely necessary in the French Chambers, where the ministers are in danger of being turned out of office, if the bill be rejected. One rule is never to be overlooked: delay the bill until there is a well-grounded hope of its passage.

Suppose, Mr. Speaker, the President and Senate were to stipulate, in a treaty, to pay a sum of money, say five millions of dollars, and Congress should refuse to appropriate the money: would there be any cause of war against the United States on that account? Surely not. It is the constitutional right of Congress either to vote or refuse the money; and if that were known to the nation to which the money was to be paid before the treaty was made, then there would not be the shadow of a pretext for a resort to war. The faith of the treaty-making power would be violated, it is true; which faith all nations should be careful to preserve. Let us apply this position to the French Government. The constitution of the French, and ours, are alike in this particular. It is the sole republican feature in their constitution. And shall the only republic in the world go to war with this nation for exercising

the great and unalienable right in the people either to give or refuse their money as they pleased?

I have remarked, Mr. Speaker, that the refusal to appropriate the money at the last session has, I do verily believe, saved this nation from the horrors of war at this moment. France might have considered it as a war measure pointed at her, and have immediately struck the blow; as, by the usages of nations, she would have had the right to do. When two nations have difficulties and collisions with each other, in this situation, if either commences preparations for war, the other has the right to commence hostilities immediately. This principle has been considered as the settled law of nations in Europe, for one hundred and fifty years past.

The probability is, that the French, who have never refused to accept a challenge, would in this light have considered our law, had it passed, and instantly have made a dash at our extended, wide-spreading, and immense commerce, with her whole navy.

On the other hand, when an extraordinary number of our ships should have been put in commission, manned, officered, and sent to sea, flushed with the spirit of enterprise and panting for war, would there not have been great danger that some of our young Hotspurs might have brought it on by firing into a French vessel? And one gun fired on either side upon the ships of the other, in the irritated state of public feeling, would have lighted up the flames of war, which would have been seen and felt all over this world.

I think, Mr. Speaker, that, instead of standing as criminals at the bar of public opinion, and the gentleman from Massachusetts prosecuting those who voted against the measure, they are entitled to the thanks of the nation, and the gratitude of the humane, philanthropic, and religious part of the world. The brave man and the soldier equally look on war as an evil, and the scourge of mankind.

I have, Mr. Speaker, taken but one view of the impolicy of the measure; there are other and more important considerations connected with this subject, to which I now intend to call the attention of the House. These considerations are applicable as well to our relations with France last session as the present; and, as we have now on our tables bills containing avowedly war appropriations to the amount of ten or fifteen millions, I shall, in my vindication of our conduct last session, occasionally refer to the present war measures now in agitation; and, in doing that, I shall only be following the example set me by others.

By the postponement last session of all war preparations, the bill to pay the five millions of dollars passed into a law by the law-making power of France. The payment of the money is withheld until some explanations shall be made by the President, that, in his message to Congress last session, he did not intend to impeach the integrity of the French nation, or question the honor of the King. The President says, individually, he did not; but, like a technical lawyer, specially demurs, and says: what I said was in my message to Congress; it was not addressed to you, and you have no right to notice it; it is a departure in pleading. And thus the matter now stands, alike reproachful to both parties. What an extraordinary spectacle is presented for the world to look upon and marvel at! Two of the most powerful and most enlightened nations in the world, old friends and allies, about to spill each other's blood in torrents, when this day there is nothing left to dispute about--nothing between them but ministerial etiquette, diplomatic jugglery, and special pleading!

Mr. Speaker, it requires no small portion of moral courage for a man on this floor to speak his sentiments freely and independently on the great question now before us. We are in the minority in this House, which to some men is disheartening. Our opponents are flushed with the victories gained at the late elections over the Union. The majority, with which we are surrounded and overwhelmed, cries aloud for war. We heard it last session repeatedly; and have heard the same tocsin of alarm and intimidation sounded this year. It has been proclaimed that there were two great parties in the House, an American and a French party; the patriot and the traitor; one ready to defend and the other to betray and destroy his country. When we are virtually charged with treason, the charge is received with shouts of applause by a part of the members of this House; and, instead of being the hall in which assemble the congregated wisdom of the United States, it wears every appearance of a place for a mob to meet. I will not be dispirited; I will not be brow-beaten; my constituents shall be heard; they have faced the enemy in the field, and I will face them here. I will speak nothing but what, if here, I believe they would approve. It becomes every man, on this great and momentous question of peace or war, to come out full and fair; if for war, say so; if for peace, let it also be known. Those of us who are against war ought not to stand back and be silent, but do all we can to stop it. But if the time shall come when a majority shall declare war, then opposition ceases to be a virtue, and all sides and parties ought to unite and fight it out like men. Should any one then give back, denounce him as a traitor. If that awful day of trial shall come, and our foes are to be met on the battle field, my constituents will be able proudly to compare with those of the gentlemen from Massachusetts and North Carolina; and in the comparison they will not suffer.

My opinion and advice is, that we ought not to be hasty and rash in this matter. Let us wait, at least, until towards the end of the session, when we can hear from France. There is every hope, every probability, that the dispute will be amicably adjusted, and the money paid. Delay last session effected the passage of the bill to pay the money by the French Chambers. There is nothing of real difficulty between the two nations. All the supposed grounds of quarrel are the veriest diplomatic cobwebs. The opinion of the civilized world is against going to war for such a trifle; and public sentiment in a few months, here and in France, and among the other nations of the earth, may do a great deal towards the restoration of peace and harmony.

Gentlemen say we must fight, or the national honor will be tarnished, and we shall be disgraced in the eyes of mankind. If I believed the honor, fame, and character of the republic required the sacrifice of war on our part, I should not hesitate a moment. No honorable man, no proud, high-minded nation, can pause one second between dishonor and war. But I do not believe the character of the American people will suffer, even if we should not plunge headlong into this war.

Mr. Speaker, let us again call to mind what this dispute is about, and not in high-sounding phrases and pompous heroics, played off in this House, lose sight of it.

The insult which was offered to our flag, was offered by Bonaparte near thirty years ago. The American property which was captured on the high seas was his act; it was done by his orders, under his Berlin and Milan decrees; and by his courts of admiralty were the vessels and cargoes condemned and ordered to be sold. If the honor of the nation suffered, it suffered then. He would make no atonement for the insults offered to us and injuries done to our property. We did not then think of war; we pocketed the insult, and turned it into a money business, by demanding a pecuniary indemnity. Even that was refused by that proud and haughty Emperor. The like satisfaction was demanded of his suc-

cessors, Louis XVIII and Charles X, which they refused. Louis Philippe, after a lapse of near thirty years, has agreed to pay for the injuries done; and, because some delays have taken place in the French Chambers in relation to the appropriation of the money, we now declaim about the insults originally offered, and describe pathetically the sufferings of our merchants one or two generations ago.

A man is injured and outraged in his person and property; he has two remedies before him: either to fight for the insult, or to go to law, and demand an indemnity in money, commensurate to the extent of the injury sustained. If he demands satisfaction in money, he waives the other remedy. It is in vain to talk about honor afterwards, in that affair. But suppose we carry the comparison and parellel still further. Suppose the original offender should die; an executor is appointed, and he dies; and then an administrator *de bonis non* is appointed, who gives his bond for the money, but does not immediately pay at the day appointed: is it an insult if any delay takes place? Certainly not. If my debtor owes me, and is able to pay, and still delays payment, whose character suffers in the transaction, his or mine? Most assuredly, his.

Mr. Speaker, I have endeavored to show that, in the pursuit of the demand against France, it has become a moneyed affair altogether. If I have been to any extent successful in establishing the position assumed, the next point of inquiry will be, is it worth while to resort to the desperate remedy of a wager of battle to recover the amount admitted to be due? I pause, and ask the gentlemen on the other side, if they have any expectation of getting the money if they go to war? Candor will compel them to acknowledge that they have none. It is an admitted principle, that a war for the money annuls the treaty; and some even contend that it imposes on the United States an obligation to pay the amount to the respective claimants. Should the claim thus be destroyed by war, then what are we to fight for? Some will say, honor. I say, revenge, and nothing else, unless there be in this war crusade a desire to gratify the feelings and appease the rage of one man.

But, suppose the war we are about to engage in will not abrogate the treaty, and release France from her obligation to pay the money: can we enforce payment by arms? Of that there is not the remotest probability. France has no territory for us to invade and conquer. It would be worse than folly—nay, Quixotic madness—to believe we could invade the dominions of France. On our part, it must be a war on the ocean altogether. Who will win most laurels there none can tell. When men equally brave, and equally matched, meet in battle, victory is in the hands of the Almighty alone.

Our navy, including vessels of all descriptions, amounts only to fifty-two ships of war; the French have about two hundred and eighty-four. Our navy, notwithstanding the heavy annual appropriations for that Department, is wretchedly out of repair. What is the condition of that of France? I know not, except report says it is in fine order. Of success on the sea we ought not to be sanguine. Count the item of expense in blood and treasure, and it will be enormous—not less, in three years, (if the war should last so long, and none can tell when it will terminate,) than one hundred millions of dollars and the lives of fifty thousand men. The revenue, from all sources, will be measurably dried up; and taxes, direct and indirect, excises, and loans, will follow, with all their train of evils, vexations, and oppressions. None can recount the calamities of war, nor can I describe them. Our exports and imports will average, annually, two hundred and fifty millions of dollars. Not less than one thousand vessels besides are engaged in the fisheries, the sealing business, and other adventures. The injury this great commerce will sustian will be enormous; in fact, it will be literally swept from the seas. France has the largest navy, and can do our commerce most injury; and especially as her commerce is comparatively nothing. All the daring spirits of the world, who wish to privateer, will hoist French colors; because we have most commerce, and it will be more exposed on account of its extension and want of protection. What will be the deplorable situation of the South? Her whole crop is cotton; the exports of that staple form more than one half of our whole export trade. Scarcely a bale will be able to cross the ocean for market; and even the cotton which will finally get there will have so heavy an insurance to pay, as ultimately to yield little or nothing to the grower of the article. The cotton lands of Mississippi, Alabama, and Louisiana, have just been brought into market; the owners are now opening and preparing them for cultivation; men have gone largely in debt for lands, negroes, and stock; heavy anticipations have been made on the growing crop and the crop to be planted the ensuing season. Should this nation unfortunately be hurried into a war, all these men are ruined; they are generally young, enterprising men, who need, at this moment, the fostering care and protection of Government. Kentucky is a grain-growing and stock-raising State; she depends on the cotton planters in the South to buy her grain, produce, and stock; she has scarcely any other market. At this time her agriculture is prosperous, her prices are good and fair, the hum of business is every where heard, and the bustle of industry is to be seen all over the land. A war prostrates every thing. Place the nation in a situation that cotton cannot be transported across the ocean, the cotton planter cannot buy; the stock and products of Kentucky fall, in price, to little or nothing. The expenses of Government, and individual sacrifices of life and property, will be enormous, and almost incalculable.

This is not the only point of view in which I look at this question: there are yet other considerations of high and deep import. France is our oldest ally, firmest and best friend, among the nations of the earth. When we were in the midst of our revolutionary struggle, and our fate seemed to hang on a thread; when the fleets of Great Britain covered the ocean and her armies our land, aided by the Powers of Germany; we were then in our infancy, few in number, and destitute of every thing but real patriotism; our armies had been defeated, and we were retreating before the victorious enemy; all foreign Powers refused to assist us, save one. None here will inquire what foreign Power was that. The world knows that was France; her young men, with Lafayette at their head, poured into America, and helped to fight our battles; the colors of the two nations, ranged on the same side, floated in the air together; and many a noble Frenchman died in our cause, fighting for us, and winning the liberty we now enjoy, nominally, at least.

In the assistance which France rendered to the United States during the revolutionary war, and until peace was made by her with Great Britain, her losses and sacrifices, in men, ships, and money, were immense. Thousands of lives were lost, and hundreds of millions were expended; and, for all these losses, sacrifices, and disbursements, she never charged one cent. And now, after all that, shall we go to war with that nation for four millions seven hundred thousand dollars? Gentlemen may say, what will you, then, do? I say, repeal the laws we passed in compliance with the treaty on our part; and, if that will not do, I would go further—I would impose additional duties upon her wines, silks, and brandies; we can obtain the same articles elsewhere. I have no doubt these commercial regulations would effect the desired object. There is yet another con-

sideration why a war with France is to be deprecated. One of the States in this Union once belonged to France; its population is principally French. Suppose a French army were to invade that State and occupy it; the whole valley of the Mississippi and Ohio is shut out from all direct communication with the residue of the world; situated as that country is, it would take a great deal of hard fighting to dislodge them. I beg gentlemen not to be precipitated either into war or war measures; for there is no real difference between them, as war measures will lead to war itself. The most disastrous battle that was ever fought in Kentucky was that of the Blue Licks, August 19, 1781; that was brought on prematurely by the bravadoes of one man. The Indians were on the north side of Licking river; one detachment of the Kentuckians was on the south, waiting for the main body to come up, which was under General Logan. The Indians showed a few warriors on the north. This man insisted upon crossing the river and pursuing them; he was admonished that there whole force was immediately on the other side, in ambush, ready for the combat, and that it was advisable to wait until the main army came up. The man, who was a Major McGary, spurred his horse, dashed into the river, called on all brave men to follow him, and declared that none would stay behind but cowards. This conduct induced all to follow him. The ambuscade was sprung, the detachment was defeated, and nearly all cut off save McGary himself. The men who followed had the physical courage to die, but not the moral courage to bear the imputation of cowardice, and that from a man who, as the sequel proved, was peculiarly careful of his own life.

It is not the man of words and boasting that is the brave man, that fights hardest, and is soonest to sacrifice his life in his country's cause; to that man "it is not sweet to die for his country." We are informed that France has assembled a large navy in the West Indies, and will shortly either insult our flag or make a descent on our coast. I do not believe that either event will take place; however, the moment France shall add insult to the injustice of the delay of payment, then it becomes an affair of honor, and our reputation will be injured by submitting to it. When that event shall arrive, I will then agree with gentlemen to go to war.

I recollect to have once read, when, upon a wager of battle, one of the combatants, after he got into the ring, declined the combat; the other vauntingly called him a coward--he resented it--and swore he lied--and said, I did not fight you at first because I had no cause of quarrel, but now I will fight you, for the present insult, to the death. He made good his words, and slew his adversary.

We are told that France requires us to make an apology before she will pay the money. I am against any apology. I would not degrade the nation so low for one hundred millions; nay, no sum could buy me to consent to an apology. To apologize for the insult of demanding what France agreed to pay, is absurd and preposterous; and to apologize for the message of the President to Congress, is equally inadmissible. It was not spoken in our national character, in our exterior and foreign relations. France had no right to notice it.

It is worthy of a passing remark to inquire, to whom are those four millions seven hundred thousand dollars to be paid? To our own citizens, nominally, I know; but, in reality, four fifths of it will go to the insurance offices in Great Britain, stockjobbers, and speculators. The vessels captured by the French were principally engaged in the carrying British goods into the ports of Europe, in contravention to the Berlin and Milan decrees. The presumption is, that policies of insurance were effected on the vessels and cargoes in London.

I have remarked, Mr. Speaker, that I believed that this resolution was got up for effect in the canvass now going on for the next President; and that I believed that this war and war panic are intended for the same unholy purpose.

It has been visible to the whole American people for some years past, that General Jackson has been, and is now, ambitious of designating his official successor; and that all his power, influence, and patronage, have been directed to the elevation of his favorite, whose only recommendation is his servility, sycophancy, and abject flattery of the President; one who weeps when he frowns, and laughs aloud when he smiles; and who has no merit but what is reflected on him from General Jackson. Like the moon, he shines by a borrowed light altogether.

War, or even the preparation for war, with the patronage connected with it and growing out of such a state of things, give an immense additional power to the Executive. Suppose, instead of disbursing twenty millions next year, which will be about a fair peace expenditure, we are plunged into a war; or, under a war panic, we disburse forty or fifty millions. The additional expenditure of twenty or thirty millions will enable the office-holders's party to influence and control, in the approaching elections, three hundred thousand votes; and all this to be done for the glorious purpose of continuing, for eight years longer, the power of the present party which is at the head of the Government.

This view of the subject is further verified by the fact that there are bills on the table to expend near five millions on fortifications for the ensuing year, not one of which can be finished time enough to answer the purposes of defence, if we should shortly get into a war. One of the bills contains appropriations of about two and a half millions for forts not yet begun--nay, even the sites are not selected. We know that these new forts cannot be finished in time; and the commencing of them will, if we have war, only invite the enemy to land and destroy the materials as fast as they are collected to erect the forts. This last new fortification bill awakens in me a kind of suspicion that the administration party does not expect war; but wishes, with war preparations, war patronage, and war appropriations, to carry the election in favor of the pet of General Jackson: which may God, in his mercies manifested towards this afflicted land, prevent. Who are the candidates before the people, and who are intended to be affected by this resolution? White, Webster, Van Buren, and Harrison. Harrison, Webster, and White, are men whose deeds will live after them; and whose memory will be handed down to after generations yet unborn. Their actions are of a kind to be claimed by the nation as public property, and as identified with their country's honor and glory. Little Van has nothing to boast, except "the honor of serving under such a chief as General Jackson."

Van Buren claims the presidency as a paternal estate by descent; he arrogates to himself, by a magical kind of inheritance, the glories achieved by Jackson in the late war. The party cannot meet to do any thing for him, unless it be on the 8th of January, the day when the western hunters won the victory at Orleans I do not know whether it is most calculated to excite our laughter, or indignation and contempt, at seeing the glory obtained on that day transferred from the West to New York—a State, during our revolutionary war, only famed for tories.

Is there any scene in this world so ridiculous as to see Van Buren's friends place him before the people as the war-party candidate, and denounce Harrison and his friends as pusillanimous, cowardly, and ready to betray their country—Harrison, who spent his youth, his manhood, and the prime of his life, in camps and in battles, in fire and smoke, combating in his country's cause? As for Van Buren, he never smelt gunpowder in his life.

Many a bloody field can attest Harrison's achievements, and emblazon his fame and glory abroad. Kentucky has won laurels with him and under him; he always did her brave sons, living or dead, justice in the field and justice in his reports to the War Department. In this approaching election the world will bear witness that Kentucky, amongst her other great virtues, boasts the proud one of gratitude. I know that one of her sons, in whom she is well pleased, has been selected to run on the Van Buren ticket for Vice President. This is a New York manoeuvre: it is sop to Jowler. Kentucky will not bite at the bait. We would delight to do honor to the candidate for Vice President; he has also won his fame in deeds of noble daring; but he must recollect that if a man marries a woman below him in the grades of society, he elevates her to his level: if above him, he brings her down to his own caste. So is the fate of the candidate for Vice President. The candidate for President on the same ticket regulates the votes altogether.

The gentleman from Massachusetts has said that those who voted against the appropriation of the three millions last session had but one step more to take, and that was to open the doors of the Capitol to the enemy, and then join them; that he was prouder of his vote last session in favor of the appropriation than any act of his whole life. How flaming is the zeal of the new convert. He was Secretary of State eight years during the administration of Mr. Monroe, and was four years President himself; during all which time the French refused to indemnify us for our losses, and yet then he was not so full of fight. I recollect in the play of Cato, when he called his little Senate together at Utica, just as Cæsar was marching on the city, the fury and impetuous zeal of Sempronius; how he exclaimed--

"My voice is still for war.
Gods! can a Roman Senate long debate
Which of the two to choose, slavery or death!
No, let us rise at once, gird on our swords,
And, at the head of our remaining troops,
Attack the foe, break through the thick array
Of his throng'd legions, and charge home upon him.
Perhaps some arm, more lucky than the rest,
May reach his heart, and free the world from bondage."

And how Lucius modestly replied--

"My thoughts, I must confess, are turned on peace."

I also well recollect the sequel, and I beg the House to mark it, and I hope it will somewhat attract the attention of the honorable gentleman from Massachusetts: Sempronius deserted to Cæsar the next night, and Lucius remained with Cato, and fought it out like a man. This same Sempronius whispered to Cato to beware of Lucius--that he was a traitor.

Who are the men the gentleman from Massachusetts has attacked in his resolution? Whom has he abused in his speech, and whom has he denounced as traitors? for I disdain to notice his pitiful subterfuge, by saying he meant no one—it was only a personification—a figure of speech. They were his old friends and political supporters, who stood by him in former times, and faced the battle and the breeze; who, on account of their supporting him, have been proscribed by the Government and party in power, and are now in a state of exile as it respects their own Government and the administration thereof; they are an abused and vilified set of men; their only fault, endeavoring to sustain him. In this situation, what a deplorable spectacle does the gentleman exhibit: the very man for whom they are now suffering has turned against them, and joined the ranks of their enemies; has become their fiercest assailant, most inexorable foe; driving them to the wall, and then attempting to pin them up against it. How base the treachery, how black the ingratitude, and, at the same time, how melancholy the sight, to see an old man, with the frost of seventy winters on his head, pushed on by a blind ambition and love of office, or rather the emoluments of office, thus to prostrate and degrade himself, and forever blast the reputation acquired by fifty years of honorable public service!

When I recollect how, in 1828, in the contest for President between the honorable gentleman and General Jackson, I labored in his cause, rode over Kentucky, and addressed the people for hours together, with what indignation am I fired at his conduct now! In a spirit of true repentance do I declare, that if God will forgive me for what I then did, I promise never to do the like again.

The gentleman from Massachusetts says we (meaning himself and others) have been accused of man-worship—alluding to his worshipping General Jackson. I do not believe that any gentleman ever accused him of such devotion to any man or friend in the world as to amount to man-worship. Cæsar, Bonaparte, and Washington, were said never to forget a favor or desert a friend: if any person has ever charged the gentleman with that quality of the heart, I never heard it. I expect it is not man the gentleman worships: it is office and its emoluments.

The gentleman from North Carolina said there were two parties—the democracy and the aristocracy of the country; and that the battle had to be fought between them one day or another, and he was willing to engage in the rotundo of the Capitol. These remarks seemed to me to have a direct allusion to the Senate. It is certainly unparliamentary to use such language. Would the gentleman wish to engage in a conflict with two hundred and forty young men against forty-eight old ones? I hope not.

The Senate has been alluded to in very abusive terms by the gentleman from Massachusetts. What has wrought this wonderful change in his opinion of that body, here of late, I cannot imagine. Last summer was a year, when he was invited to participate in a public dinner given to the Senators of Massachusetts; the answer of that gentleman, and his toast, read in these words:

"QUINCY, *July* 29, 1834.

"SIR: I have received your obliging invitation, in behalf of the whigs of Salem, of my attendance at a dinner to be given to the Senators of the Commonwealth in the Congress of the United States. Cordially approving the conduct of those eminent citizens, in the station assigned to them by the confidence of their constituents, I regret that my engagements will deprive me of the pleasure of joining with you in the festivity by which you propose to signalize your approbation of the firmness and ability with which they have discharged the trust committed to them. Of the importance of the services rendered by them to our common country, in the trying emergencies which mark the present era of our history, I entertain the liveliest sense. It is in the Senate of the confederated nation, (and I regret to be obliged, from the deepest conviction, to add, in the Senate alone,) that the friends of our Union, and of its free, republican institutions, can find a solid foundation for the cheering hope that they will be preserved and redeemed from the imposture of pretended reform, from the frenzy of senseless experiments, and from the rapacity of executive usurpations.

"With this impression, I tender to the whigs of Salem, with my thanks for their friendly invitation, the following sentiment:

"'The constitutional *check* of the Senate, fearlessly and faithfully applied to the executive *simple machine.*'

"And remain, very respectfully,

"Sir, your obedient servant,

"JOHN QUINCY ADAMS.

"LEVERETT SALTONSTALL, Esq., *Salem.*"

The Senate, late on the night of the last session of Congress, sent a polite note or resolution to this House, apprizing it of the result of the agreement of the conferees, and inviting the attention of the House to the subject. This, the gentleman says, was a gross insult to this House; and, if there had been time, he would have asked of the House to have sent him with the resolution back to the Senate, and, if he had taken it there, he would have thrown it on the floor with ineffable contempt; (accompanying that expression with a remarkable contortion of his body, by squatting, and then jumping up with a jerk, and a violent inclination of the body to the left.) How ridiculous would such behaviour have have been in a gentleman of his age and standing; and with what pity would that dignified body have witnessed the impotent rage of an old man displaying such fantastic antics!

Mr. Speaker, when we take a view of the present condition of the United States, there is every thing to deplore, and nothing to console us. We appropriate every year millions upon millions for our navy, and it has gone to decay; scarcely a vessel fit for service. We have appropriated since the last war about fourteen millions for fortifications; they are now in a state of wretched dilapidation, but few guns mounted, and generally unmanned. No energy in our army, as our late disasters in Florida bear melancholy testimony: no spirit and love of enterprise in the officers. While the war is raging in Florida with all its horrors, and in its most frightful forms, and we are in the daily expectation of a war with France, what do we behold here, in this city, and in this hall? Day after day are we importuned to surrender this chamber to the Secretary of the Department of War, to deliver a lecture on history; I suppose the ancient history of the Assyrians, Babylonians, Egyptians, Persians, Carthaginians, and Grecians. Instead of studying the plans of campaigns, marches, and battles, he is poring over the history of nations twenty-five hundred years gone by. The general-in-chief of our army is president of the assembly balls, as our daily papers tell us, and, report says, night after night waltzing with little misses in their teens; and, when not at that, writing miserable plays for the stage. There is no laudable spirit of enterprise and emulation in the army, navy, or any part of the public service. Why this state of things? Because promotion to office does not now depend on merit, but by bowing, fawning, and cringing, in the palace; for all power is there. When the chief there frowns, and stamps his foot, the whole menial pack fear and tremble. We are thrown upon evil and degenerate times: our Government has every symptom of a speedy dissolution.

When the gentleman from Massachusetts charged treason upon a part of this House, the majority huzzaed, clapped their hands, and shouted, enacting just such scenes as took place in the convention during the jacobinical times of the reign or terror, in the days of Marat and Robespierre. When a man was denounced in the House by either of those blood-thirsty tyrants, the members of the convention applauded in a tumultuous manner, and immediately voted the arrest of the member denounced, however innocent; before night the guillotine received its victim, and he was numbered with the dead.

The storms of misfortune and adversity have been threatening us from every quarter—east, west, north, and south. They have gathered over our heads, and threaten every moment to burst upon us, and destroy our liberties forever. I put my hope and trust in God, who has saved us in all our trials and difficulties heretofore, that he will yet preserve us free and independent, and dispel the clouds now lowering over us; and that he will give us once more a clear, serene, political sky.

When Mr. HARDIN had taken his seat—

Mr. EVANS rose and addressed the House. He was very glad, he said, after several unsuccessful efforts, at length to have been recognised by the Speaker. It would have been much more agreeable to him to have said several days ago what he now proposed to say upon the subject under discussion; but all his attempts to obtain the floor had been fruitless. Indeed, he had begun to fear that he should fail altogether, for he had perceived evident indications that this debate was not much longer to be permitted. He warned his friends, who had a wish to be heard, that the time allotted to them was short; and he apprized the majority of the House, such at least as did not already know it, that they would soon be called upon to wield that convenient instrument for suppressing freedom of debate, now so frequently resorted to—the previous question—to arrest the further discussion of the topics involved in the resolution. He availed himself, therefore, while he could, of the opportunity to submit a few remarks upon them; though to do so, and to say what he was about to say, was painful to him in a high degree.

The subject which has already engrossed the attention of the House for several days, (said Mr. E.,) whatever range it may take, or whatever space fill, had an exceedingly humble origin. It sprung, ostensibly at least, from an inconsiderable paragraph in one of the newspapers of the city, which an honorable member from New York [Mr. CAMBRELENG] deemed of sufficient consequence, as it related to himself personally, to bring to the notice of the House. The charge, which he conceived to be made against himself, was by no means a new one; and the repetition of it, at this time, would scarcely have attracted any additional notice, if the honorable member had not deemed it suitable to invest it with some importance, and to found upon it the novel measure proposed by the honorable mover of this resolution. The important measures for the interest and welfare of the whole country, which are required at our hands, must stand still; the embargo, which we have been so frequently told hangs over the great commercial city which he represents, must continue yet longer; public and private business both must give place, in order that the honorable member, upon whose Atlantean shoulders the Government seems to rest, might have the opportunity of attempting to free himself from charges neither new in themselves nor supported by new evidence, and now put forth in a paper which he affects to hold in great contempt. The gentleman has been indulged with the opportunity which he sought; and with what success he has met it the House have witnessed. Such, Mr. Speaker, was apparently the origin of the weighty matters we are considering. I was one of those who voted with the majority, thereby separating from most of those with whom I usually act, in giving permission to the honorable member from Massachusetts [Mr. ADAMS] to introduce this resolution. I did so with the distinct perception that the resolution had been previously prepared, and was offered in close connexion with, and founded upon, the remarks of the member from New York; and I thought I could not be mistaken in the belief that it was a matter arranged and concerted between the honorable gentlemen. I could not, therefore, be in doubt as to the object of the gentleman, nor as to the character of the report which might emanate from the select committee contemplated in the resolution, should one be appointed. I knew it was an object I could not approve, and that it would be a report which would not have my concurrence. Nevertheless, I voted to admit the gentleman's proposition; useless though it was—extraordinary though it was. I did so, simply because I would not be seen shrinking, or in a position which might be represented

as shrinking, from such a discussion or investigation as I perceived to be challenged. Gentlemen may have it, so far as my consent goes, just so long as they desire it. Let me not be understood, however, for a moment, as intimating that the minority on that occasion, who voted against the introduction of this resolution, are to be supposed, in the smallest degree, or under any circumstances, capable of shinking from any discussion or inquiry suitable to be entertained. I doubt not, sir, their motives were far higher, and will commend themselves much more to the approbation of the country than will the purposes had in view by those who have sought this discussion. Sincerely desirous of promoting the public business, and seeing the utter uselessness, and worse than uselessness, of such a proceeding, they were ready to do their duty to the country, regardless of all imputations which might be cast upon them, and every misrepresentation of their motives. Such sentiments were highly honorable to my friends, and I feel the force of them fully. But at the same time, sir, I could not but perceive the position in which we were placed; and, at a time when upright motives are little appreciated, I knew how easily we might be made to bear the responsibility or the odium of thwarting and suppressing investigation for political and party purposes. For one, I was, though not desirous, yet willing to meet this matter, here or elsewhere. The fortification bill of the last session failed; every body knows it. How it failed is of exceedingly little consequence; but, as every body does not know it, I have no desire to keep back that information, let the effect of it be what it may. The gentleman from New York [Mr. Cambreleng] endeavors to avoid the question presented upon this resolution, and to turn the debate in a new direction. He says, "the true issue is, not who defeated the ordinary fortification bill last session, but who defeated the appropriation of three millions," which was inserted in it by a vote of the House. This is the question which he has chiefly spoken to; and all the precedents which he cites are only for the purpose of showing that the form in which the three millions were appropriated was not justly liable to the objections made to it. Is the gentleman conscious that the charge against the Senate of having defeated the bill cannot be maintained? And is he, therefore, solicitous of raising a new question—of presenting a new issue? Is it a question any where mooted, who defeated the grant of three millions? Certainly not. Do not the Senate now claim it as a merit? Does any body deny it? Does not every body know that the House was ready, far too ready, to vote the money? Sir, it is no question who defeated the three millions, and the gentleman has labored to little purpose in proving what is nowhere denied. As to whether the Senate ought or ought not to have voted the money, in concurrence with the House, I shall have very little, if any thing, to say in the course of my remarks; nor shall I enter at all into a discussion of our relations with France. When the proper period arrives to speak our sentiments on that interesting topic, I may be inclined to do so; but, at present, my business lies with the honorable member from Massachusetts, [Mr. Adams,] with the resolution he has offered, and with the speech he has made; and I propose "to join conclusions" with him upon several of the matters he has brought into the discussion. Sir, almost every thing connected with this subject is novel and extraordinary. It is true, a bill of great importance failed to become a law at the last session of Congress; that is not an unusual occurrence. It happens at the close of every Congress that bills fail of being finally passed. It happened at the last Congress, in relation to several, which, if not of equal importance with the fortification bill, were yet of very great consequence to the country. It would have happened to others also, if that making appropriations for the civil and diplomatic service had not been converted into an omnibus, to take up all the wayfaring and the tardy. And yet, often as this has occurred, it has never before been thought a fit occasion for executive interference, nor for investigation by a subsequent Congress. The movement in relation to it is altogether unprecedented, and the purposes to be gained do not lie very deeply concealed. Where it originated I know not, but the occasion seems to be seized upon as a very fitting one to throw an additional responsibility upon one branch of the Government, in relation to which the feelings of the President have not, I believe, been much disguised. It is, in my judgment, very extraordinary that the President should have regarded it his duty to introduce this subject into his message in the terms he has used. His duty lies with such bills as Congress send to him for approval, and with those only. He can have no just interference with the legislation of Congress; and upon what ground does it stand that he can inspect the journals of the Houses, examine the unfinished business, and undertake to arraign before the country, or before their successors, either or both Houses for neglect of duty? What proper object, connected with the administration of the Government, is to be promoted by it? What purpose is to be gained? Was it to bring the weight of the executive arm to bear upon the independence of that branch of the Legislature which it is known he does not regard with very especial favor? Whether such an object be a fit one for the Chief Magistrate of the nation to pursue, I leave for others' consideration. And, sir, if the reference to this subject in the message was strange and extraordinary, the introduction of it to the House is no less so. An inquiry into the doings or the omissions of a preceding Legislature! For what purpose? To what end? If we may do so in regard to one Congress, why may we not as to all which have preceded us? If we may vindicate the reputation on the one hand, or impugn the motives on the other, of the last legislative body which assembled here, and it be an object worthy to engage our attention, where will our labors of that description probably terminate? Far better for the country will it be that we now perform our own duties, than to employ ourselves in the vain inquiry why our predecessors did not perform theirs. The member from Massachusetts [Mr. Adams] manifested unusual indignation in reference to the message sent by the Senate, on the last night of the session, reminding the House of the report of conferees upon the disagreeing votes of the two Houses respecting the fortification bill: he found no precedent for such a proceeding. He had examined the journals of Congress from the organization of the Federal Government, and of the British Parliament for I know not how many centuries, and he called upon the Speaker and all the members of the House, old and young, to say whether they had ever heard of such an indignity offered by one branch of a legislative body to the other. Allow me, sir, to inquire of the honorable member, if, in the course of his very profitable and interesting researches, he discovered a precedent for such a resolution as he has now offered? If not, I presume, upon reflection, he will not consider the want of a precedent merely, so entirely objectionable as he seemed to regard it: his resolution, like the message he reprobates, will stand alone—unprecedented in the past, and, I trust, unsupported by any thing in the future. But, sir, most extraordinary of all, most unexpected, were the speech of the honorable member, and the objects avowed to be sought by the proposed inquiry. "To restore harmony between the Houses!" Such was the declared purpose. What an adaptation of means to ends! To restore harmony, to promote a good understanding, by charging, in the bitterest terms, gross dereliction of duty upon the

Senate, and individual members of it with little short of treason! Such were the pacific means which the honorable member deemed suitable to employ "to restore harmony." Early in his remarks, the gentleman found himself transgressing a rule well understood, and, hitherto, generally observed—a rule whose purpose is to preserve harmony—which interdicts any allusion, in one branch, to what has been said or done in the other. He declared, upon his responsibility, before the House, and upon higher responsibility than any he can owe to this House, that he would observe, not merely the letter but the spirit of the rule. In what manner this promise was redeemed we have witnessed. He "would transfer the location of the place where these things had happened from the Senate of the United States to the office of the National Intelligencer," and then quoting, with literal fidelity, expressions used in a debate of the Senate, he proceeded to comment upon them in a tone which I forbear to characterize. On the following day, the gentleman interrupted the remarks, pungent and conclusive as they were, of the honorable member from Virginia [Mr. WISE] "to explain." In what he had said the day before, he alluded to no individual whatever; he had no person in his mind; he only "personified a sentiment;" and to that personification he addressed himself. Such was the explanation. Now, sir, it is not for me to question the sincerity of the gentleman, however difficult I may find it to comprehend the distinction which he attempts. But I must be permitted to say, if he was not replying to what had been said in the Senate--if he had no reference to particular members of it--in his own language, "all that eloquence was gratuitous, and all that indignation wastefully squandered away;" and I may add, too, the time of this House was also wastefully squandered away. He either had reference, and pointed reference, too, to a distinguished member of that body, or he had not. If he had, then he violated as well the rules of the House as his promise to observe them in letter and in spirit. If he had not, then was his speech an effusion of unmeaning bombast, aimed at nothing, accomplishing nothing, proving nothing but the ill-suppressed feelings which prompted it. The great business of the nation must stop, to allow the gentleman to run a tilt against "the personification of a sentiment;" and the House exhibits the disgraceful spectacle of boisterous applause at his fancied success in overthrowing "a personified sentiment!"

Mr. Speaker, the honorable member, if I do not wholly misunderstand him, charges the Senate with the failure of the bill at the last session containing the ordinary appropriations for fortifications; and, under this general head, he enters into several specifications. He complains of the temper of the Senate; of its indecorum and disrespect to the House, manifested by its prompt rejection of the three million appropriation "with but little debate;" of its adherence to that rejection, and of its message to the House in the last moments of its existence, reminding it of the report of conferees, by which the bill could even then have been saved. He goes farther: he assigns motives, and degrading motives, too, for the action of the Senate, or rather of "those who lead it;" and he finds matter for grave complaint and accusation, and for holding that body responsible to the country for the failure of the bill in question. How widely different the same objects appear to different minds! We are all liable to be swayed by passion and prejudice; and no truth is more generally acknowledged than that the powers of the intellect—the reason--the understanding--are susceptible of the greatest influence and the grossest perversion from the qualities of the heart. Now, sir, to my mind, the particulars which the honorable gentleman has singled out as proof that the Senate are responsible for the loss of the bill, are precisely those which demonstrate incontrovertibly their extreme solicitude and desire to pass it. What, in few words, is the history of that bill? It passed the House some weeks before the close of the session, in the usual form, making the ordinary appropriations. Every attempt to increase the sums appropriated by it was voted down by the majority of the House, under the lead of the friends of the administration. We of the minority struggled for larger means of defence, but in vain. The bill went to the Senate. Large and important additions were made to it there, under the recommendation and estimates, as is understood, of the executive Departments, and the bill passed and was returned to the House. So far, surely, the Senate are not responsible for defeating the ordinary appropriation for fortifications and means of defence. Their control over the bill had ceased. It rested with the House, and the House alone, so far as Congress was concerned, whether it should become a law. It reposed more than a week quietly upon the Speaker's table, and until the last day, and very near the last hour of the existence of that Congress, before its slumbers were broken. At about eight o'clock in the evening of the 3d day of March, it was called up for consideration. No objection was raised to the amendments of the Senate, which went to enlarge the sums to be expended in fortifying exposed points of the country. But the extraordinary and unlooked-for proposition was made of appropriating three millions of dollars, in addition to all which had already been appropriated for specific objects, to be expended under the direction of the President, and at his discretion, in the military and naval service. The minority of the House, opposed though they were to arming the President with the enormous and dangerous power—dangerous to the peace of the country—which this grant of money would have conferred, yet contented themselves with a silent vote. The time was short. They were anxious that the bill should pass, and that other bills then pending should pass also. A single speech would have defeated the proposed amendment, but it would have defeated the bill also; hence no man raised his voice against it. We permitted it to go through Committee of the Whole, and to pass the House, but we never approved it. We gave proof of the sincerity of our desire to provide the ordinary means for defence, in silently submitting to that extraordinary, and, as we viewed it, alarming proposition. The bill went to the Senate. Objections were made to this appropriation, in the particular form it stood, resting chiefly, if not entirely, upon a question of constitutional power, as to appropriations so indefinite and unlimited, and applicable to no specific objects. These objections, and the grounds upon which they stood, were well known to the House; and the House might have obviated them if it had been disposed. I do not say that they were or were not well founded. I do not touch that point. It is enough for me, that Senators, competent to judge, bound by their oath to support the constitution, regarded them as fatal obstacles. It was their province to determine for themselves. They had the same right, and lay under the same high obligations to exercise their judgments fairly and dispassionately, as pertained to the House; and there is no reason to doubt that they acted in obedience to their solemn convictions of duty. That duty compelled them to disagree to the amendment of the House, and they fulfilled it promptly, and perhaps, as the gentleman says, "with but little debate." The House then insisted upon its amendment. The next step of the Senate was to adhere to its disagreement, passing over the intermediate stage of insisting also. Why was this? What is the true reason for these prompt proceedings on the part of the Senate? The gentleman sees in them nothing but disrespect, and indecorum, and insolence, and a determination to defeat the bill. More time should have been

taken—debate should have been had—all the forms of parliamentary etiquette should have been observed! Why, sir, does not the honorable gentleman recollect that the hours, nay, that the very minutes, of that Congress were numbered, and were fast wasting away? In addition to its business of legislation, the Senate was pressed with business of an executive character, and every moment of its time was actively employed. Was that an occasion to stand upon questions of mere punctilio and matters of idle ceremony? No, sir; the Senate, entertaining objections of a character which can never be abandoned by men who respect themselves or deserve the respect of others, but which might have been obviated on the part of the House, lost none of the time, more valuable then than all the precedents of ceremony which the gentleman can find in his labored researches, in bringing the subject of disagreement to direct issue; and with all the "indecent haste" they are accused of, a conference, the usual parliamentary mode of reconciling disagreeing votes, was not obtained seasonably to have reported, as is now contended, during the life of that Congress. To my mind, these proceedings manifest an earnest solicitude to save the bill, rather than a willingness to defeat it. The Senate overlooked all minor considerations--disregarded all inferior and subordinate matters, in the great object of appropriating largely for works of defence and security. They exposed themselves to this very charge of precipitation and indecorum, or what under other circumstances might be so considered, in their zeal to get the bill so framed as to be acceptable to both Houses. What could they do? Compelled to vote for an amendment which they regarded as unconstitutional, and which they could not, therefore, under any circumstances agree to; or to see a measure they were anxious to adopt perish before their eyes, with no power to save it--how were they to act? The steps taken by them, standing in the emergency they did, were the only ones possible by which the bill could have been rescued from the destruction that awaited it; and if they had been met by the House in a corresponding temper, it would have become a law. How it failed, I shall consider presently. But, sir, "the message" to which the gentleman refers, and upon which he has expended his warmest indignation--what was it? A message from the Senate "respectfully to remind the House of the report of the committee of conference appointed on the disagreeing votes of the two Houses" in respect to the fortification bill. It may have been unusual and without precedent—I do not dispute it. But that it was insolent and contemptuous towards the House, or was so designed, or so regarded, I utterly deny. If it was unusual and without precedent, it was because the condition in which the business between the Houses stood was new and without precedent. Emergencies--extreme cases—make their own precedents, and furnish their own justification. What was the condition of the bill to which the message referred?

The two Houses had disagreed in relation to the three millions. A committee of conference had been appointed. A report had been agreed upon unanimously, as was then supposed, and which it was not doubted would be satisfactory to each House. The chairman of the committee of conference [Mr. CAMBRELENG] retained the papers, with a view of making the report to the House first; after which it was to be sent to the Senate, and, until thus sent, the Senate had no power over it. A considerable time elapsed, and no intelligence was received by the Senate from this branch. Few moments only remained. The bill was every where deemed of great importance. The report of the conferees, if adopted by the Houses, would save it. Nothing had been done in this body, nor, as they feared, would be done, upon the report of the conference. To meet a state of things so new, so unusual, so extraordinary, demanded new and unprecedented proceedings. Deeply solicitous for the passage of the bill, the Senate, regardless of forms, not studious of precise rules of ceremony, made a last effort for its safety. Surprised they doubtless were, that the conferees on the part of the House, who had so lately agreed in a report, should fail to present it, and that no information should be afforded them of its final disposition. In this view of the matter, sir, I can perceive nothing in that message, against which the gentleman has directed his sharpest indignation, but a respectful though earnest intimation that the Senate was ready to pass the bill in the shape which the conferees appointed by the House had agreed to recommend. They could not do it until the papers should be sent to them. Where was the disrespect and the insolence of such an intimation? I confess, sir, I have not a perception keen enough to discern it. One sincerely searching for the truth, unheated by other considerations, would not be very apt, I think, to discover it.

The honorable member, sir, has furnished us with a history of the introduction of the three million appropriation into the fortification bill. He says it was founded upon a resolution of the House, unanimously adopted on the preceding day, in these words:

"*Resolved*, That, in the opinion of this House, the treaty with France of the 4th of July, 1831, should be maintained, and its execution insisted on."

I perceive nothing in this leading to hostilities, and requiring measures, and extraordinary measures, too, of defence. Yet it is said the appropriation was consequent upon this resolution—growing out of it—part and parcel of it, and absolutely necessary to give it efficiency.

[Mr. ADAMS interrupted. He hoped he should not be misrepresented. He had not said so. He said the appropriation was proposed in consequence of the resolution unanimously adopted the preceding day.]

I shall not, sir, designedly, misrepresent the gentleman. There is quite as much in the speech which I have before me, without misrepresentation, as can be maintained. The gentleman has said: "It was well known to every member of the House, and he believed to every person out of the House, that the appropriation of three millions was introduced in consequence of the vote on that resolution the night before. It was well known that the resolution, which finally passed by that vote, had been contested by a debate of several days immediately before its passage, upon grounds that such a resolution would occasion war. If you look, said he, to the journals of the House for the resolution which passed, and to the several resolutions proposed as substitutes for it, you will see that it was admitted with extreme reluctance by many members of the House, that it was ardently and perseveringly contested, and upon the grounds that it would occasion a war. Under these circumstances, although the House were not of opinion that it would give just cause for war, still, how was it possible for a statesman, looking to the interests of our common country, not to see that these reasons so pressed upon the consideration of the House, and looking to the action of another Government, might have that tendency? The conduct of a foreign Government, to be predicated upon this act of our own, was matter of foresight and conjecture. There was misunderstanding and irritation between our Government and that of France. The members of the House who had resisted the passage of the resolution, intelligent and patriotic men, had urged the House against it; and all the tender sympathies of our nature, and all the sentiments of humanity in our bosoms, had been appealed to as warnings against that resolution. The image of war, in all its terrors and with all its calamities, had been held up before us

to deter the House from the assertion of the nation's rights and of the nation's honor contained in that resolution. Conscious that the resolution could not give any just cause of offence, the House did not believe that it would offend or endanger the peace of the country; yet in deference to the fears of the minority, and as an earnest of their sincerity in the determination to insist upon the execution of the treaty, it was deemed fitting that the country should put itself in an attitude of defence, to meet the worst possible contingency, and to sustain that resolution which they unanimously passed. These were the grounds upon which that item was introduced on the last day of the session. And why on the last day? Because it was only the night before that the unanimous vote had passed.

"In all the debate in the National Intelligencer to which he had referred, there was no more trace of such a resolution as having passed the House, than if it had never existed."

Now, sir, I am not sensible that I misunderstand or misrepresent the gentleman. He certainly attributes the appropriation of three millions to an apprehension somewhere existing that the adoption of the resolution might lead to measures requiring defence on our part—to a determination on the part of the House to sustain that resolution. The resolution was the ground-work—the basis of the appropriation. Sir, I take issue upon these assertions. The appropriation would have been moved, I doubt not, and agreed to, whatever resolution had been passed. The particular resolution was passed unanimously, not because it looked to war, and involved contingent appropriation, but because it looked to peace, and was a rebuke upon hostile designs. If it was not so designed, and so to be regarded, if it enfolded within itself any thing which might by possibility lead to war, and which demanded corresponding preparations, then I will say, with my honorable friend from Massachusetts, [Mr. REED,] that we were deceived and betrayed into its support. We agreed to it as a measure of peace. The abandonment of the treaty nobody dreamed of. Even France had not intimated it. Hostile movements, or movements tending in any degree to hostilities, were never intended by us. We would not have moved an inch in that direction; least of all would we have done any thing to place the question of peace or war in the sole hand of the President. The resolution, therefore, was not the foundation, I repeat, of the appropriation of three millions. It was not so understood, as the gentleman says it was, on all sides of the House. On the other hand, so far from being regarded as a "consequence"—a "consummation of the resolution," it was looked upon as directly repugnant to it. A distinguished member from Virginia, [Mr. GORDON,] who I regret is not now here, and who represented the principles of the ancient Commonwealth with great ability, then said: "Yesterday, the House had voted unanimously that there was no occasion to make war; and now, just before the moment of adjournment, the extraordinary proposition is made, to remove all the guards from the Treasury, and to give up that and all the legislative power to the President, in order to carry on a war." The same sentiment prevailed among many members of that House. The appropriation was considered utterly inconsistent with the object and the spirit of that resolution, which is now represented as having been the basis of it. Nor, sir, is the gentleman any more correct in the remark that "the resolution which finally passed by that vote had been contested by a debate of several days immediately before its passage, upon grounds that such a resolution would occasion war." The truth is, the resolution which passed was hardly debated at all. It was scarcely resisted. The reference to the journals, which the gentleman challenges, does not bear him out. But this is a matter, sir, about which there need be no controversy. The journals show the facts. On the 27th day of February, the Committee on Foreign Affairs made a report, accompanied by these resolutions:

"1. *Resolved*, That it would be incompatible with the rights and honor of the United States further to negotiate in relation to the treaty entered into by France on the 4th of July, 1831; and that this House will insist on its execution as ratified by both Governments.

"2. *Resolved*, That contingent preparation ought to be made to meet any emergency growing out of our relations with France."

A minority of that committee made a separate report, offering no specific resolutions, but expressing the sentiment that the execution of the treaty should be insisted on "at all hazards."

The honorable gentleman from Massachusetts [Mr. ADAMS] then offered his resolutions, as substitutes for those proposed by the committee, in these words:

"1. *Resolved*, That the rights of the citizens of the United States to indemnity from the Government of France, stipulated by the treaty concluded at Paris on the 4th of July, 1831, ought, in no event, to be sacrificed, abandoned, or impaired, by any consent or acquiescence of the Government of the United States.

"2. *Resolved*, That if it be, in the opinion of the President of the United States, compatible with the honor and interest of the United States, during the interval until the next session of Congress, to resume the negotiations between the United States and France, he be requested to do so.

"3. *Resolved*, That no legislative measure of a hostile character or tendency towards the French nation is necessary or expedient at this time."

These various resolutions and the reports from the committee were debated on Saturday, 28th February, and also on Monday, the 2d day of March; and these were the resolutions which, upon the one side or the other, were "contested" and "resisted." The animated debate to which the gentleman refers, and the spirited resistance, were not upon his resolution which finally passed—for it had not then been proposed; but it was to some of these, and chiefly to that which looked to contingent preparations. Objections were made to the phraseology employed in the report and resolutions. The expression "at all hazards" was regarded as minatory, and so also the words "in no event," which occur in the first of the gentleman's proposed substitutes. Milder language was sought. Various unsatisfactory amendments and suggestions were offered, all going to soften down the asperities which were thought to exist in the language and spirit of the reports and resolutions. Finally, at a late hour in the evening, the House having been in continued session fourteen hours, a new resolution, or perhaps a modification of one which had been already offered, was proposed. Very little, if any, debate occurred upon it. None is reported. It was unanimously adopted, with but two slight efforts to substitute others in its stead. These are the facts. They cannot be controverted. The House will now judge whether that resolution, which is asserted to have been the foundation of the appropriation of three millions, was debated and resisted several days, upon the ground that it would or might involve the nation in war—whether it was agreed to under any expectation that it was to be followed up by measures for defence. As to the notice said to have been given by the chairman of the Committee on Foreign Affairs, [Mr. CAMBRELENG,] that he should submit a motion for large contingent appropriations, I lay it out of the case. Few heard it. But what of it? Was the House thereby pledged to vote any appropriation he might choose to propose? Above all,

was the Senate bound also to take notice, to know that it was the consequence, the consummation of our resolution, and, despite their constitutional objections, to grant the money accordingly? Did the resolution which had been already adopted thereby change its character, and, from being pacific, become all at once belligerant, because the member from New York took upon him to give notice to the House of what he should propose? I repudiate all such conclusions, utterly, entirely.

The honorable member, sir, [Mr. Adams,] has proceeded a step farther. He impugns the motive of the Senate in withholding the three millions. Their proceedings upon the subject of our difficulties with France at the last session were, he says, a "do-nothing policy"—a "paralytic policy." The unanimous resolution of the House was considered "a pungent, though tacit, rebuke of that policy;" and if the appropriation had been agreed to, it "would have made the Senate the unwilling accessary to implied censure upon its own quietism under foreign wrong." "The system of the Senate" was, "to do nothing." A resolution had passed that body, unanimously, in these words:

"*Resolved*, That it is inexpedient, at present, to adopt any legislative measure in regard to the state of affairs between the United States and France."

"This was," says the gentleman "a resolution not only declining to do that which the President had recommended to vindicate the rights and the honor of the nation, but positively determining to do nothing, not even to express a sense of the wrongs which the country was enduring from France. Such was the system of the Senate."

Does the honorable member perceive, sir, upon whom his censures fall? Does he recollect his new-found friends and allies, the leaders and supporters of the administration in that body, must come in for their share of responsibility, if any justly attaches to the proceedings of the Senate? Does he not remember that "the system of the Senate" was unanimously adopted; that it was understood to have the concurrence and approbation of the Executive himself; that it was approved by the official organ of the administration, which has now become the chosen channel of communication of the gentleman's own opinions? Does he forget that the presses throughout the country—the party presses and others—held the language of approbation upon that proceeding of the Senate? What responsibility, then, I pray to know—whose indignation had they any apprehension of incurring? A unanimous vote, for which each member was equally responsible; approved by all parties, complained of by none; what had they to fear? The load of reproach attempted to be thrown upon them falls upon broad shoulders.

At what period of time, sir, may I ask the honorable member, did he make the discovery that so weighty a load of responsibility lay upon the Senate? When did he find out "where the real sting of the three million appropriation lay?" Something was said about arguments which had been used elsewhere being the fruit of "nine or ten months' meditation." What has "nine or ten months' meditation" done for him, in the way of memory or argument? Does he forget what his own sentiments were at the last session, as to "the do-nothing policy" of the Senate? Allow me, sir, to refresh his memory a little. On the 7th of February, certain papers touching our relations with France were transmitted to Congress by the President. A discussion of considerable interest ensued. The gentleman gave his opinions at some length. I was so unfortunate as to differ from him, and some words passed between us on that occasion. Among other things, the gentleman charged the Senate with "dodging the question"—doing nothing; at least he was so understood and so reported. The tenor of his remarks impressed every one with the belief that he was prepared to go far, very far, in the support of executive measures tending to hostilities. So it stood until the 14th of the same month, when the gentleman again favored the House with his views. I will not say he retracted or denied what he had said before; but at least he explained and modified. As to the policy of the Senate, "the do-nothing policy," what did he say? Having requested permission to explain, and having stated the circumstances under which he had charged the Senate with dodging the question, he proceeded—

"That explanation he now wished to make, publicly disclaiming all intention of any thing disrespectful to the Senate. He disclaimed it in the most explicit manner; and, had the debate proceeded, it had been his intention ultimately to recommend that the same course should be taken by the House. He should have recommended to the House to 'dodge the question' for the present, in the existing state of our information.

"He thought the Senate had acted as was their duty to do; and the conclusion to which they had unanimously arrived was the conclusion which he should have been desirous that the House should adopt. But the Senate had acted; they had not gone to sleep on the state of our relations with France."

So much, sir, for that part of the gentleman's remarks which goes to assign motives for the proceedings of the Senate, founded upon their reprehensible policy; and further I deem it unnecessary to reply.

The gentleman has spoken of "the imminent danger of war" which impended over the country at the close of the last session, and which he thinks justified and required contingent preparations for defence. "Imminent danger of war!" Was that, indeed, the condition of our affairs? Was it so understood? Did the gentleman himself consider it in that light? The only real danger of war which I perceived grew out of this very appropriation of three millions. If the power which this grant of money would have vested in the President had been conferred, I am by no means sure that we should not, at this very moment, have been in the midst of a war. But, sir, what did we think at that time upon this subject? Let me refer again to the remarks of the honorable gentleman, on the 14th of February:

"But, in conclusion, Mr. Adams wished to give notice (if such a notice could be necessary) to all merchants of the United States, that there was not the slightest danger; that any thing which might by possibility lead to war should proceed from that House, or from the other branch of the Legislature. He now said, upon his responsibility to the nation, that there was no danger of any thing being done by either House, which might by possibility lead to war with France."

Now, sir, in such a state of things, one would hardly suppose that the danger of war was very imminent. How was it at a still later period? The third resolution moved by the gentleman, on the 27th of February, doubtless expressed his own opinion at that time, which was, "that no legislative measure of a hostile character or tendency towards the French nation is necessary or expedient at this time."

I have already said that the report of the Committee on Foreign Affairs was made the same day. It became immediately a question what disposition should be made of the third resolution, which had in view "contingent preparations for defence?" The particular means of providing "contingent preparations" which the committee had in contemplation, we shall discover by referring to their report. It is in these words:

"The bill now before the House authorizing the sale of our stock in the Bank of the United States, would, if adopted, afford all the revenue necessary. The committee is of opinion that the whole or a part of the fund

to be derived from this source should be appropriated for the purpose of arming our fortifications, and for making other military and naval preparations for the defence of the country, in case such expenditures should become necessary before the next meeting of Congress."

A strong solicitude was manifested, and an effort made, on the part of certain gentlemen, to adopt that third resolution forthwith; so that the bill for the sale of the bank stock might immediately be passed, it being the last day on which bills could be sent from one House to the other. The friends of "contingent preparations" and warlike measures urged speedy action. The effort on the other hand was, to discuss that resolution in a Committee of the Whole House, where we knew latitude of debate could be secured, and where the previous question could not be applied. The gentleman from Massachusetts was with us on that occasion. He advocated the motion made by a highly distinguished member from Virginia [Mr. ARCHER] to commit the resolution to the Committee of the Whole. He said "it was the only constitutional course." "The resolution proposed to spend the money of the nation; but its reference to the Committee of the Whole on the state of the Union was objected to, because, if it went there, the House could not be bound to pass it by the previous question. It was, in effect, a proposition to tax the people; to take seven millions of their money, and appropriate it to certain purposes." "He now discovered that war with France was to be connected with the war upon the bank. The two wars were to be united, each supporting the other." "Is this a proceeding touching an appropriation of money, or not? It was certainly a proceeding by which seven millions of the public money was to be taken and expended in a windmill war against France, in favor of which, he thanked God, there had yet been no expression of opinion on the part of this House." "It was now for the first time disclosed that these two wars were to be blended together—the war with France, and the war with the bank; one was to carry the other, if either was too heavy to sustain itself," Yes, sir, the war with the bank found favor in the House; it was popular. It was to carry the heavy load of the war with France. So thought the member at that time. Other gentlemen spoke also. The then chairman of the Committee of Ways and Means [Mr. POLK] said: "The third resolution of the committee should be acted on forthwith, to the end that the bill to sell the stock should be acted on to-day. He suggested the propriety of acting on the resolution forthwith. To commit this subject was to bury it." Certainly it was. That was precisely what we desired to do. The gentleman from Massachusetts was with us. He desired no preparations for "a windmill war;" a Quixotic expedition to be sure it was, in which at one time we had strong fears that the member from Massachusetts was to act the subordinate part. Well, sir, we succeeded. The resolution was buried. The war was defeated, as well that against the bank as that against France. In all the debate, the honorable gentleman made no allusion to any other means of defence or preparation. His objection was directed not to the particular mode of supplying the means then recommended, but it went to the whole matter of hostile measures. The war itself was held up to ridicule, and justly held up. And yet, sir, it is now said we were then in "imminent danger." On the following day (28th of February) the gentleman again spoke to the questions growing out of our French relations. He expressed his regret that orders had been given Mr. Livingston to leave Paris, in the event of the rejection of the bill of indemnity by the French Chambers. Such a course, "according to the usage of nations, might be construed into an act of hostility."

[Mr. ADAMS. That was a sufficient reason, then, for the appropriation of three millions.]

Unfortunately, sir, no such reason was then assigned or thought of. But that is not what I am now considering. I am showing, sir, that the honorable member did not, from any cause, at the close of the last session, consider the danger so imminent as to require preparations for defence; for, immediately following the expression of his disapprobation of the recall of Mr. Livingston, he proceeds: "We should therefore be left defenceless all over the ocean for many months—at least until Congress could be convened, and take measures for the defence of the country." Now, sir, although the gentleman spoke with much earnestness, and at some length, disapproving this step of the President, and expressing his opinion that, by possibility, it might lead to hostilities, he nowhere gave the slightest indication of a wish that Congress should provide for such an emergency; on the contrary, he distinctly avowed the opinion that nothing would be done "until Congress could be convened." Three days only before the termination of that session, when the whole subject of our French affairs was before us, was discussed, and was understood in all its aspects, did the honorable member anticipate any necessity for such an appropriation as was subsequently made? Did he recommend it, or advise it? No, sir. I submit, then, whether the danger was so imminent, the emergency so pressing, the necessity so overshadowing and irresistible, as to have required that appropriation in the objectionable form it was proposed? But, sir, it has been said that the constitutional objections of the Senate finally "melted down to a mere question of dollars and cents," whether the appropriation should be three millions or eight hundred thousand dollars. Is it possible that the honorable member does not perceive the true ground upon which these objections stood? Has the intellectual acumen for which he has been distinguished become so utterly blunted under the influence of feelings and passions which he seems to cherish? Nothing is plainer to the most obtuse understanding than the difference between the appropriation of three millions as it passed the House, and the proposition agreed upon by the conferees to reduce it to eight hundred thousand dollars, which, doubtless, would have received the sanction of the Senate. It is not in the amount, but in the form of the appropriation. In the one case, it was indefinite, loose, limited to no specific objects, undefined as to purpose. This was the objection. In the other case, it was a proposition for a precise, defined, limited appropriation, in the usual form, and for ordinary purposes—"three hundred thousand dollars for arming the fortifications of the country; five hundred thousand dollars for the repair and equipment of ships of war." The purpose is clearly expressed, the object declared. Now, sir, does not the gentleman perceive the wide difference between these forms of appropriation? Is he so blind as not to see that the constitutional objections which lay in the one case did not apply to the other? And will he then say that it all "melted down to a question of dollars and cents?" Sir, I put it to his candor, I put it to his sense of justice, to answer.

Much indignation has been expressed by the honorable member [Mr. ADAMS] at the charge he supposes to have been made by the "personified sentiment," in the columns of the National Intelligencer, against the last House of Representatives, of "man-worship" and subserviency to executive dictation. Whether such a charge be well or ill-founded, I shall not discuss. I wish only to produce some authority upon which it may be maintained: an authority having weight in certain quarters, and possibly which may be of some consideration with the gentleman himself—it is the authority of his own assertions and opinions. In the debate I have already referred to,

(of the 27th of February,) the gentleman expressed himself in these terms: "In the first place, it was evident the question was to be managed on party grounds. The supporters of the administration were alone to be heard on the subject; and what they proposed was to be carried. The minority was to have no right to say any thing but 'yea' or 'nay' to the propositions of the leaders of the majority. The bugle-horn of the party will be sounded, and its friends will be told that they must pass the bill, in order to support the administration. When all the liege men of the administration have answered to their names, as they ought, according to the politics and morals of the party, the question will be put and the bill passed." Now, sir, these are not charges, in so many words, of "man-worship;" but they are so in substance and spirit. They are precisely that same subserviency which has been elsewhere denominated "man-worship;" and, for any thing I know, that same charge which he reprobates so severely was founded upon his own description of a portion of the last House. It may suit the purposes of the gentleman now to profess a high respect, as he has done, for those he then denominated "liege men"—rallying at the blast of the bugle—following submissively the dictation of party leaders, and doing as they were bid, "in order to support the administration." If "man-worship" can go farther than this description, I am at a loss to know how to define it.

Mr. Speaker, I have said I would not discuss the question whether the Senate ought or ought not to have concurred in the appropriation of three millions. A word or two only is all I design to say. I voted against it in the House, and I have no wish to retract the vote: not because I was unwilling then, or am unwilling now, to appropriate money largely, amply, to put the country in a state of entire defence; I desire it of all things; but because I perceived, as I thought, something beside the defence of the country lurking under that plausible pretext: means of aggression, opportunities of exciting collision, and of kindling up in the public mind warlike dispositions, were feared to be enveloped within it. Sir, I desire as much as any man to defend the country. Since I have filled a seat here, I have voted, I hazard little in saying, uniformly voted for the largest sums which have been proposed for the military and naval service. I well recollect the efforts of a distinguished member from South Carolina, [Mr. Drayton,] formerly at the head of the Committee on Military Affairs, to increase the annual expenditures for fortifications; I voted with him from year to year, in common with my friends who are now charged with having left the country defenceless. We thought it sound policy, in a time of peace, to prepare for those emergencies which every nation may at some day or other reasonably anticipate. Peace is a blessing which no country can assure to itself for a long period of years to come. By whom, sir, was that prudent forecast thwarted and defeated? By the party which now claims the exclusive merit of putting the country in a posture of defence, by a midnight vote of three millions, on the eve of hostilities! Sir, we did not believe in the potency of midnight appropriations for next day's security. The watchwords of the party were "economy," "retrenchment," "saving of the public money;" and we saw the extraordinary spectacle of a Government boasting, not how much it had done, but how little, for the benefit of the country; not how much it had expended for the public good, but how much it had hoarded up in the coffers of the Treasury. It pointed to no impregnable muniments of defence; to no works of wide-spread and lasting improvement, as testimony of its watchfulness and protection of national interests and welfare, but to a miserable array of figures annually displayed for the gratification and laudation of all the faithful, showing only with what a miserly grasp it could hold on to the public treasure; and all the while, amid the loudest boast of retrenchment, the annual expenditures were largely increasing. Sir, I am glad to see, at last, something proposed in the way of defence—glad to see something doing, among others, for the State to which I belong. Some two or three years ago I moved in this matter, and endeavored to call the attention of the War Department to its exposed and defenceless condition. I received no encouragement or countenance, and I have never seen the time when I could have proposed, under favorable auspices, any measures of defence for that exposed frontier. Now, sir, as to the propriety of large and unusual appropriations at this time for naval and military service—appropriations which would not be thought expedient but for the aspect of our foreign relations—we are placed in an attitude by no means free from embarrassment. If there be really a danger of war, if hostilities are in any degree probable, and likely to ensue, I will go as far as the foremost in providing the means of defence and security. But if, as we are repeatedly assured, the prospect of a speedy and pacific adjustment of our difficulties grows brighter daily—for one, I am not disposed to nurse and feed a warlike passion; to encourage, what I greatly fear needs to be restrained, a desire elsewhere to terminate by an appeal to arms these needless differences. Sufficient, however, to meet these questions when the period for their consideration arrives.

I come now, Mr. Speaker, to the question presented in the resolution—"the cause and circumstances" of the failure, at the last session, of the bill making the ordinary appropriations for fortifications. How did it happen? By whose means? In what way? These are questions gravely put, and must be as gravely answered. The bill, we all know, passed the House, containing only the "ordinary appropriations," and, in the usual course of business, was sent to the Senate. It passed that body also, in due season, with a considerable increase of ordinary appropriations, made, it is understood, upon estimates furnished by the proper executive Departments, and was returned to the House a week before the close of the session. So far, surely, the Senate cannot be justly charged with a disposition to defeat the bill. All its control over it had ceased, as I have already said, in another connexion. Its fate was in the hands of the House. Did it pass this branch of the Congress? How did it pass? With the three million appropriation, already so often adverted to, suddenly, not to say rashly inserted—objectionable in point of form—uncalled for and unwanted, so far as we had any information, by the Executive. Does any body doubt that, but for this amendment, the bill would have passed, and become a law? This was the fatal blow, of which it lingered, and at last died. The bill was returned to the Senate, embracing this new and, till then, unheard-of provision. The Senate, under the views which it took of its constitutional power, could not agree to it, and the bill came back to the House without a concurrence in the amendment. It was in the power of the House to have waived its amendment, and to have passed the bill. It chose not to do so. The gentleman himself has given the true cause of its failure. He voted to recede, he says, because he was aware, if the House pertinaciously adhered, the bill would be lost. It did adhere, and the bill was lost. It is unquestionably true, if the Senate had voted the three millions, the bill would have passed; and it is no less true, if the House had waived it, it would have passed also. It failed, therefore, from a disagreement. Pausing at this stage of the history, I cannot but inquire, looking at the safety of the bill merely, what was the most reasonable course to be pursued? Which branch could most rationally be expected, for the suc-

oess of the bill, to recede from its position? It will be recollected this was a bill making ordinary appropriations; the House encumbered it with an extraordinary one. It ran against constitutional objections—the very last to be surrendered. Could it reasonably be expected or required of the Senate, in violation, as they believed, of their duty and the plain injunctions of the constitution, to adopt that provision? Was it unreasonable to expect and to require of the House that the bill, in its ordinary form, should be permitted to go along unobstructed? In some considerable portions of the bill, both branches concurred. Why not agree, then, and, so far as they did agree, pass the bill? The House, and the House alone, refused to do it. It said to the Senate, We agree with you that the ordinary fortification bill ought to pass—the country requires it; but we will not pass it, unless you will agree to an extraordinary appropriation, which you hold to be unconstitutional and inexpedient; and, if you refuse it, you will be responsible for our failure to pass the ordinary bill. It seems to me, sir, there can hardly be two opinions upon such a proposition. The Senate would not agree to so unreasonable a demand. But what did it do? It agreed, for the purpose of securing the passage of the bill, to meet the House upon some middle ground. A compromise was effected by conferees, appointed by each body. The Senate waited and waited, as we have seen, to adopt and carry this compromise into effect. The House neglected or refused to do so, and thereby the bill was lost. Can there be a doubt in which branch it failed, and by whose means it was lost? But it is contended that, before this arrangement was effected, the House was dissolved—its constitutional functions ceased; and, for that reason, it could not adopt the compromise recommended by the conferees. Suppose it had been so; are the Senate therefore responsible for the failure of the bill? But it was not so. I agree entirely in my recollections with the honorable member from Kentucky, [Mr. HARDIN,] who has just spoken, and with my friend from Massachusetts, [Mr. REED.] There was time, after the report had been agreed upon, and before 12 o'clock, to have made it to the House, and procured its adoption. The conferees did return, as the gentleman says, before the Cumberland road bill was put upon its passage; and it is agreed, on all hands, that the midnight hour arrived while the ayes and noes were being called on that bill. In this, I am confident I cannot be mistaken. Why, then, it may be inquired, was not the report made? Why did not the bill pass? I cannot pretend to answer. But this I will say: that I discovered, early in the stages of disagreement, as I thought, a willingness to permit the bill to be lost. I do not say with a view to throw the responsibility of it upon the Senate; but with a distinct avowal that its loss would be justly chargeable to that quarter. As early as nine or ten o'clock in the evening, when the first notice was received from the Senate of its disagreement to the appropriation, on a motion to recede, the member from New York [Mr. CAMBRELENG] said, "he hoped the House would not recede. If the Senate had taken the responsibility of defeating the appropriation, it might remain with them. He would take no part of it." This was the first intimation that the responsibility must be cast upon the Senate. Others took the same view, and spoke with warmth, to say the least of it. The House did did not recede; and the bill again went, its oft-travelled path, to the Senate. In a short period, between 10 and 11 o'clock, according to my recollection, it came back, with a message that the Senate adhered to its disagreement to our appropriation. What occurred then, sir? A very strong and decided disposition was expressed by leading gentlemen that the House should adhere also, and thereby cut off all opportunity of passing the bill, and every means of compromise. The only other alternative was, by asking a conference; and by that mode the bill might even then be saved. The member from New York [Mr. CAMBRELENG] moved "to adhere;" in other words, to destroy the bill beyond the power of revival. An honorable member from Virginia [Mr. MERCER] moved "to recede;" thereby preserving the power to pass the bill. An honorable member from Tennessee, the chairman of the Committee of Ways and and Means, [Mr. POLK,] said, "the motion to adhere had priority to the other;" undoubtedly signifying thereby his desire that the motion should prevail—that the bill should be lost. An honorable member from Ohio, [Mr. LYTLE,] who had no hesitation to speak freely and fearlessly on all occasions, as he did eloquently, his opinions, addressed the House in these words: "He objected entirely," he said, "to any conciliatory proposition. The House had gone as far as prudence and patriotism would justify them in going to conciliate the Senate. The only question was, where the responsibility of the loss of the bill should lodge? Let the other body take the responsibility of defeating it"—the appropriation of three millions. He conjured the House not to depart from the stand it had assumed; declared it would be pusillanimous to do so; and urgently and eloquently rallied his friends to stand firm upon that question. Now, sir, I can readily perceive in these proceedings a strong solicitude, and determination, too, to hold the Senate responsible for the loss of the bill; I look in vain for evidence of an anxiety to save the ordinary appropriations for fortifications. They were, apparently, very readily given up, for the other object, which was possibly regarded a much greater one—of prostrating the Senate. The majority of the House, however, did not sustain the motion to adhere, but adopted the wiser course of requesting a conference. It was seen that the majority which passed the appropriation was giving way. It passed, at first, by a majority of 32. It was insisted on, in the next vote, by a majority reduced to 23; a third vote reduced it to 19; and if another vote had been allowed to be taken, I doubt not the whole amendment would have been abandoned rather than the bill should fail. Another vote upon it was not permitted from that hour to the present. The conferees were appointed, and, I have already said, returned to this hall in season to have reported before 12 o'clock. The compromise which they had agreed to recommend was immediately known to the members, and privately discussed. There was but one voice, so far as I heard, in the House, and that was in favor of its adoption. We were anxiously waiting, from moment to moment, for the report to be made; when, suddenly, as by an electric shock, a thrill was sent through this House, agitating and moving the countenances and voices of members; little squads were collected here and there, and all at once we heard it echoed and re-echoed on all sides that the report could not be made; the bill must fail, and the responsibility would rest upon the Senate. From what quarter this came, by whose agency brought about, I do not pretend to say—I do not know. But it was familiarly spoken of at the time, that a certain high personage, in accordance with whose views, it now appears, the three millions were voted, upon being apprized of the result of the conference, manifested exceeding indignation that his faithful Commons should succumb in any degrre to "the factious Senate." Rather would he lose the bill altogether, and they would be held responsible for it. This, or something very like it, was soon known in this hall; and it was also known that the President had closed, or was about to close, his official relations with Congress; its constitutional functions, in his judgment, having ceased. Cer-

tain it is, that the report of the conferees was not offered by the chairman, [Mr. Cambreleng,] and, when called upon for it, he declined to produce it, upon the ground that the existence of the House had ceased, and, also, that a quorum was not present. The report was then offered by another member of the committee, [Mr. Lewis,] the third [Mr. Hubbard] having very suddenly disappeared from the House, although he had previously expressed considerable anxiety for the passage of the bill. I shall not discuss the question whether the powers of Congress terminate or not at 12 o'clock at night on the 3d day of March, in every alternate year. I thought otherwise, and remained, and was willing to remain after that hour, to transact the business of the nation. It is true, we found it difficult, very difficult, to obtain a quorum within the bar of the House. Still we did so, whenever one was wanted by certain leading gentlemen. Just before the adjournment, and long after the "conscientious scruples" of gentlemen began to operate, a motion was made by a member from Virginia [Mr. Mason] to take up the resolution making compensation to Mr. Letcher, a member of the House. A quorum was present, and the motion prevailed. A motion was made to strike out the preamble; a quorum was present, and that also prevailed. The precise question then pending was upon an amendment providing compensation also to Thomas P. Moore, who had contested, unsuccessfully, Mr. Letcher's seat. The previous question was moved and carried--a quorum present and voting--134 in all. The amendment was thus cut off, and the resolution was likely to pass, without providing compensation to Mr. Moore. Instantly the quorum was broken up; 21 vanished, as in the twinkling of an eye, and but 113 were found voting. A much larger number were about these walls, and lobbies, and avenues; but they could not be had when a vote was to be taken. Who the individuals were, thus appearing and disappearing, as occasion might require, I have made no examination of the journal to discover. I seek not to know. This, however, I will say, they were not of that minority which resisted the appropriation of three millions; who were anxious to pass the ordinary fortification bill; who desired rather to defend the country than to heap responsibility upon the Senate. Undoubtedly there were some who entertained sincere and deep-founded convictions that the constitutional powers of Congress terminated at midnight. Not more, I think, however, than four or five assigned that reason for not voting. It was a perfectly satisfactory, and an honorable reason, for those who sincerely held that opinion. An honorable and valuable member from Georgia, [Mr. Gilmer,] of as upright intentions, as pure a heart, and as brilliant an intellect as any man who sits within these walls, entertained that conviction. And what did he do? Departed, says the gentleman from Massachusetts, at that door, through which he never again returned. He did so; and honorable was it to him that he did so. Enjoying and acting upon his own constitutional opinions, in which no man was more sincere, though I often differed with him, he left others to enjoy and act upon theirs, and to perform their constitutional duties according to their own judgments. Did he remain within these walls to offer vexatious motions; to defeat business; to create confusion; to make and unmake a quorum, as occasion and for purposes I will not name should require? By no means. And if all who declined to vote upon the ground of constitutional scruples had followed his example, there would have been higher reasons for holding their opinions in respect. Sir, if a quorum of that House could have been formed for five minutes only, after the report of conferees was made, it would instantly have been adopted. The bill would have passed the House, and the Senate also; and if it then failed to become a law, the responsibility would have rested elsewhere--upon one who professes never to shun responsibility. It was well understood that the President had left the Capitol, declaring (I will not say with an oath) that he would hold no further communication with that Congress. The disorder and confusion which I have described prevailed; and, whether designed for that end or not, did defeat the bill. The honorable Speaker, [Mr. Bell,] who presided with so much dignity, firmness, and impartiality, during the period he filled the chair, did what human means could do, in preserving order and promoting the despatch of business on that trying night. He deserves high credit for the ability he displayed in that station. Various motions to adjourn were made by those who seemed willing to defeat the bill, and who possibly feared that it would pass if the House continued longer in session. That the bill was defeated here, and by these means, was openly charged upon this floor at the time by many members. A motion having been made "that a message be sent to the Senate, to notify that body that this House, having completed the business before it, is now ready to close the present session by adjournment," the honorable member from New Jersey near me, [Mr. Parker,] who is a friend to the administration, but who was not, therefore, quite ready to abandon the bill, inquired, "did the gentlemen who formed the committee of conference on the part of the House mean to report or not?" Again: "How can we pretend to say that we have completed the business before us? And how can we adjourn without passing the fortification bill? This House had passed the bill. The Senate made a large addition. The House had added another appropriation. The Senate disagreed to it. A committee of conference had been appointed, and that committee had refused to report to this House. Shall we go away," said he, "and leave this bill, at a time when there is an apprehension of war?" This is a summary, and a true one, of the whole matter. The gentleman was entirely right. Have we completed the business? can we adjourn without passing the bill? can we go away and leave the bill? were all pertinent questions, and pregnant questions, founded in facts before us, and to which we could not close our senses. The honorable member, however, was mistaken in one respect—that the committee had refused to report. The chairman, it is true, had refused; another member was among the missing; and the report was made by the third member, [Mr. Lewis,] and was so stated by the Chair immediately after the gentleman had closed his remarks.

My honorable friend from Massachusetts, [Mr. Reed,] anxious for the passage of that bill, also addressed the House in these words:

"The committee of conference had agreed upon a report, and, as a quorum was undoubtedly present, it ought to be acted upon. He was opposed to the adjournment, because the House had not yet done its duty. The proposed amendment declared what is not fact. There is a quorum present." And how was he answered, sir? By loud calls of "order! order! order!" vociferated from all quarters of the room, and by those who had been foremost in the scenes of disorder and uproar which defeated, if they were not designed to defeat, the fortification bill. The fact that a quorum was present was no otherwise controverted than by clamorous demands for "order!" We then designed to put that question to a test, and to ascertain whether or not a quorum was present, and, if not, to compel the attendance of members. Accordingly, a motion was made for a call of the House. Who resisted it? Who gave the signal and the watchword to the party, which was determined to destroy the bill? I read from the reported proceedings:

"Mr. Cambreleng. I protest against the right to call the House. What member will answer to his name? [I will, I will, exclaimed many members.] I am as much in favor of the fortification bill as the gentleman from New Jersey; but I say the responsibility of its failure rests upon the Senate, and not upon us. The bill was defeated by the Senate." [No, no, not so, was exclaimed by many voices.] After such a direct warning from such a quarter, is it to be wondered at that a quorum could not be found? An honorable member from North Carolina, [Mr. Barringer,] faithful to his duty, and observant of all that occurred here, had no hesitation in expressly charging the loss of the bill to an intrigue carried on in the House, and he offered the names of the individuals concerned in it. If we may have any access to the ear of the select committee who may be appointed to investigate this grave affair, I pray the honorable member from Massachusetts to call upon this gentleman to testify. Mr. Barringer said, "the bill was defeated by an intrigue here—in this House. If gentlemen desired names, he would give them. But if this was declined, he would say that there were members who now sat in their seats, and would not answer to their names, who did so in consummation of the intrigue." Names were not demanded. They might have been had. Amid these scenes of disorder and confusion, which we of the minority vainly strove to repress, passed the last night of the last session of the last Congress; and, for the honor of the country and its institutions, I hope such another may never be witnessed. And, in the midst of these scenes, the fortification bill drew its last breath, and heaved its expiring throes. That it was destroyed in the House, and for purposes known to those who had an agency in the proceedings of that night, it seems to me no rational mind can doubt. Examine as we will, investigate as we will, vituperate as we will, these plain facts stand out; and no sophistry can elude, no ingenuity pervert them. Sir, I have done upon this matter. I have but another topic to touch.

The honorable member, with a precision of aim which leaves nothing of doubt as to whom his shafts were sped, and whom he describes as "the Achilles" of the Senate, essays to bring down from his high standing one representing his own Commonwealth, with unsurpassed ability, in the other branch of the Legislature. The attack was little to have been expected from that quarter. A scene of disgraceful disorder, such as the Speaker says he had never witnessed in ten years' experience here, doubtless gratified the cherished feelings of the member into the delusive fancy of a triumph worthy his achievement. Sir, I shall not attempt encomiums upon that distinguished statesman. It is unnecessary for me—it cannot be required of any man—to come forward in his defence. His character, his services, his actions, his opinions, the efforts of his transcendent powers, are before the world. They speak out for him in a voice that cannot be silenced. They stand forth in full view, and no man can obscure or blot them from the history of this country. It has been exceedingly painful to me to take a part, and especially the part I have taken, in this debate. Recollections of the past are thronging in my mind, and weigh me down in sadness—almost in silence. Gladly would I have been spared this day. But, sir, when those whom I hold in honor and respect—whom the country holds high—high in its estimation, are made the object of attack such as we have witnessed, I should miserably fail in my own sense of duty were I to sit in silence. The day has not long gone by since I saw those who now give sanction to this attack, and the party to which they belong, gladly, ay, anxiously, seeking the aid of the powerful arm of that great champion and defender of the constitution; since I saw this administration, reeling and tottering as it did under the tremendous blows of men of giant strength from the chivalric region of the South, beseeching the unfailing support of that same undaunted hand. I refer to no preceding administrations, which leaned, and leaned with confidence, upon him, as upon a pillar of immoveable strength; but I wish to tell the honorable member from Massachusetts [Mr. ADAMS] that not one of the friends who now rally round the object of his attack will falter in his course. Not one will be shaken in his confidence and attachment. We shall stand by him, let who will desert, let who will vituperate. But after all, sir, how little is there, upon merely personal considerations and preferences, to justify the feelings of anxiety which we cannot repress, for the advancement of any man, however able, however estimable. We are admonished of the frailty of human attachments and human hopes. How wise is it that the future is hid from our view; that we cannot lift the veil which shuts out from our observation the end of our own best and wisest exertions! Much, how much, of our ardor might be abated; how might our arms be paralyzed, if we could look beyond the present hour, and behold the fulfilment which the future holds in store! If, sir, I could raise this impenetrable curtain, and look forward to the future as I can look back upon the past, ardently as I desire, for the good of our common country and his own fame, and much as I would now do to promote the elevation of that distinguished statesman to the highest places of power—every desire might fail—every effort cease. Yes, sir, if I should see him descending from that lofty eminence, soured, disappointed, vindictive—forgetful of his own character, and of the friends who had stood by him in the hour of need; if I should see the infirmities of our nature—the lower and baser passions—mastering and expelling all the noble and generous properties which I know belong to his heart; if I should see him betraying and abandoning the cause which he now upholds, making his friends to hang their heads in very shame and confusion—I do not say, sir, that I would pray Heaven to blast all our efforts in the cause of our country—but rather would I see his sun go down now, even from its high noon, so that it leave us a glorious light to cheer, and animate, and guide, and to which we could turn our eyes with high and heart-stirring pride: rather would I see this, than to behold him putting off the mighty armor of Achilles, which no man can wear, to act his perjured part who by fraud levelled the proud walls of Troy to the dust; rather this, far rather, than to see him lingering on the stage of political action, behind his time, "the derision of his enemies—the melancholy pity of his friends."

Note by Mr. Evans.

Some expressions are quoted in the preceding remarks as having been used by Mr. ADAMS, which are not contained in the report of his speech which was published in the National Intelligencer. To enable those who have had access to that report only to understand the propriety of the quotations, the subjoined extract is given from the speech published in the Globe, where it first appeared, under his revision, as it is understood. Some other differences also exist between the two reports, but they are not material to be noticed, to the understanding of these remarks.

Extract.—"It was said, sir, that there had been thrilling and unexampled eloquence of indignation at this conspiracy of man-worship, servility, and corruption, displayed by the House of Representatives in that appropriation of three millions for the contingent necessary defence of the country from foreign aggression; but I trust that I have already shown, to the satisfaction of this House, that all that eloquence was gratuitous, and all that indignation wastefully squandered away; some

small portion of which might have been profitably expended upon the foreign treaty-breakers, under whose injustice our own country was smarting. This indignation, and the temper with which it was manifested by these repeated insults to the House, did strike me as so extraordinary, and, I must add, so unreasonable, that it was impossible to avoid the inquiry, where the real sting of that three million appropriation did lay, and what it was that had excited this tempest of passion against it? And I thought the true motive was discernible in that unanimous vote of two hundred and seventeen ayes, in the House, demanding that the execution upon the treaty should be insisted on. That vote, however overlooked then, or now, had been neither unseen nor unfelt. It was not only a departure from the do-nothing policy of the Senate, but might be felt to contain a pungent, though tacit, rebuke upon that paralytic policy. The three million appropriation was the complement and efficient energy of the unanimous vote of the preceding day. That vote was exclusively the act of the House. The appropriation required the concurring vote of the Senate; and that vote would have made the Senate the unwilling accessary to implied censure upon its own quietism under foreign wrong. The vote of the House could not be nullified, but its efficient operations might be unnerved, by the refusal of the appropriation; and so the bloodless ghost of executive dictation, and man-worship, and servility, were conjured up; and the overbearing arrogance of votes to adhere, and messages to remind, was substituted, for the deficiency of better reasons, for refusing the appropriation."

When Mr. EVANS concluded his remarks, several members rose and addressed the Chair.

Mr. BYNUM obtained the floor, but, the hour being late, he moved an adjournment; which was carried.

FRIDAY, JANUARY 29.

LAST YEAR'S FORTIFICATION BILL.

The House resumed the consideration of the following resolution, heretofore offered by Mr. J. Q. ADAMS:

Resolved, That so much of the message of the President of the United States to Congress at the commencement of the present session as relates to the failure, at the last session of Congress, of the bill containing the ordinary appropriations for fortifications, be referred to a select committee, with instructions to inquire into, and report to the House, the causes and circumstances of the failure of that bill.

The question pending being the amendment of Mr. WILLIAMS, of North Carolina, to amend the resolution by adding thereto the words "with power to send for persons and papers"—

Mr. BYNUM said it was with sincere regret that he found himself compelled to address the House on the present occasion; but he had rights which he was bound to sustain, whenever they were invaded by friend or enemy. He had not risen for the purpose of making any thing like an electioneering speech. He protested against electioneering for Presidents in the House, and in every other legislative body. The people of the United States, in their sovereign capacity, had the exclusive right to do that; and the House of Representatives never should make a President. He knew that there was an opinion abroad, that in the Congress of the United States was combined the greater part of the intelligence, and some had thought that it contained the greater part of the virtue, of the country; but he was not one of those who subscribed to that doctrine. He believed there was to be found more virtue and intelligence out of Congress than in it; and he felt proud that it was so.

So long as the people were intelligent and virtuous, he feared no usurper in the White House, nor league of demagogues in any other branch of the Legislature. He would not be the Cato on that floor to electioneer for any man for President, nor did he believe that any effort made there would make one. The present Congress stood redeemed on that subject. Not many years since a President was attempted to be made in another quarter. Denunciations of a serious nature were made against him, and the people were called upon to sustain them. What did the people say? They said, away with your denunciations; we call for facts, and will be governed by facts; and the people did decide. But, nothing daunted with that, they were trying to play the same game over again. The batteries had been opened on that floor, for the purpose of firing away on public opinion. He came here for the purpose of discharging his duty as a representative of the people, and would do that fearlessly; but he did not come here to make a President, or to unmake one. The gentleman from Virginia had told us that, upon the issue of the question under consideration, depended the presidential election. He admitted the superior sagacity of that gentleman; but for the life of him he could not determine how its termination would either make Judge White or Mr. Van Buren President. The gentleman from Virginia had said that he (Mr. B.) had thrown obstacles in the way of an examination to prove corruption in certain gentlemen of the House. He was at a loss to know what the gentleman meant. He would go into an investigation as far as that gentleman dare go.

Mr. WISE said he did not charge the gentleman with throwing obstacles in his way. The gentleman could throw no stumblingblock in his way. He did say that the gentleman had been very particular to say that it was not proved that the House was responsible for the failure of the appropriation bill. He did not know whether that was meant or not meant; and he was not disposed to join issue with the gentleman.

Mr. BYNUM was glad to find that the gentleman did not accuse him of throwing obstacles in his way. He was opposed to no investigation. But the gentleman from Virginia had made a serious charge against some of the most prominent members of the House, and against the President of the United States. He understood the gentleman to say that the three million appropriation was procured, or attempted to be procured, by certain individuals in the House, for secret service money.

Mr. WISE said he repeated that he understood that the chairman of the Committee of Ways and Means knew that the President desired it, and the chairman of the Committee on Foreign Affairs had told us that he knew of it; but, instead of communicating it to the House officially, they only informed a few individuals of it, and told them to say nothing about it.

Mr. BYNUM said the gentleman had not answered him at all. He would go with the gentleman, if he would accept of his feeble company, in the investigation. He asked him again if he understood him right when he said the appropriation was to be procured for secret service money?

Mr. WISE said he had answered the question, and he thought the gentleman from North Carolina was in the secret; but, as he was not, he would ask the honorable Speaker of the House, who ought to tell; he would ask honorable members of the House if the appropriation was wanted for secret service money, or was it wanted for the defence of the country?

Mr. BYNUM said he asked for a direct answer. He had understood the gentleman to have made the assertion directly. If the President had attempted to impose on the House for the purpose of extracting three millions for secret service money, he was for carrying the inves-

tigation to the White House. He was for probing it to the bottom. If he understood the gentleman right, he was for purging the House of corruption, and the White House of despotism. Mr. B. said he had not the ability, he had not the intellectual power, to do that; and if the gentleman from Virginia had, Judge White might step aside, and he would go for him for President, because he could do more than any other man in America. But he thought he understood the gentleman to oppose the resolution under consideration. He thought the gentleman ought to have seen the necessity of adopting the resolution, or something like it, for the purpose of enabling him to carry on his investigation. The gentleman from Virginia had also said that there was a trained band in the House; but the gentleman did not tell us who belonged to that trained band. It was but a short time since the gentleman professed to belong to that same band.

Mr. WISE said, let me plead not guilty of belonging to that band—never in my life.

Mr. BYNUM said that the gentleman had been elected by professing to belong to that party; and, if Mr. B. understood him rightly, he was favorable to the principles of the present administration, and came to Congress a supporter of the President; and he appealed to the members who were in Congress at that time to sustain him in the assertion.

Mr. WISE said, when he spoke of the trained band, he meant the trained band of the party on the night of the 3d March, 1835; and he begged leave to make a distinction between the friends of the President and the friends of the party.

Mr. BYNUM said he confessed that the gentleman had got into an inexplicable difficulty. He had divided the friends of the President from the friends of the party. He saw that the gentleman's perspicacity was too keen for him to follow. The gentleman had stated, in the commencement of this harangue, that he would tell the whole truth. But he had not told us that there were presidential partisans on the other side of the House. There were other parties besides the Van Buren party. There were a number of gentlemen elected under the influence of the President's name, but when they came to Congress they were suddenly changed to the other side.

Mr. B. was proceeding in his remarks, when

Mr. ASHLEY called for the orders of the day.

Some conversation took place between Messrs. WHITTLESEY, BELL, PATTON, WISE, PEYTON, ADAMS, EVANS, and the CHAIR, as to the right of the gentleman from Missouri to submit the motion for the orders of the day, the House having suspended the rules, in order to enable the gentleman from Massachusetts to introduce the resolution under discussion.

The SPEAKER decided that the motion was in order, and that the pending debate, under the rules, could only be continued, at that time, by a vote of two thirds.

Mr. WISE then moved to suspend the rules for the purpose of permitting the discussion on the resolution to progress, and called for the yeas and nays on his motion; which were ordered, and were as follows:

YEAS—Messrs. Chilton Allan, Bell, Bond, Bunch, John Calhoon, Cambreleng, Campbell, Carter, Childs, Nathaniel H. Claiborne, Clark, Cleveland, Cushing, Denny, Rice Garland, Granger, Grayson, Griffin, Hammond, Hardin, Harper, Ingham, Jarvis, Lincoln, Love, Samson Mason, Maury, McComas, McKay, McKennan, McKeon, Mercer, Miller, Milligan, Muhlenberg, Franklin Pierce, Pettigrew, Peyton, Rencher, Robertson, Russell, Shields, Spangler, Storer, Waddy Thompson, White, Lewis Williams, Wise—48.

NAYS—Messrs. Adams, Heman Allen, Anthony, Ash, Ashley, Banks, Barton, Beale, Bean, Beaumont, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Burns, Bynum, William B. Calhoun, Carr, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, John F. H. Claiborne, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushman, Davis, Deberry, Dickerson, Dickson, Dromgoole, Dunlap, Efner, Evans, Everett, Fairfield, Farlin, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, James Garland, Gillet, Glascock, Graham, Graves, Grennell, Haley, Joseph Hall, Hamer, Hannegan, Hard, Harlan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hazeltine, Henderson, Hiester, Hoar, Holsey, Hopkins, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Jabez Jackson, Janes, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, John W. Jones, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Lawler, Lawrence, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Logan, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Martin, William Mason, Moses Mason, May, McKim, McLene, Montgomery, Moore, Morgan, Morris, Owens, Page, Parker, Patterson, Patton, Dutee J. Pearce, James A. Pearce, Phelps, Phillips, Pinckney, Potts, Reed, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Schenck, Seymour, Augustine H. Shepperd, Shinn, Sloane, Smith, Sprague, Standefer, Steele, Sutherland, Taliaferro, Taylor, John Thomson, Toucey, Towns, Turner, Turrill, Underwood, Vanderpoel, Wagener, Ward, Wardwell, Washington, Weeks, Whittlesey, Sherrod Williams—160.

So the House refused to suspend the rules.

Several engrossed bills were then read a third time and passed.

Mr. HAWES, of Kentucky, moved that when the House adjourn, it should adjourn to Monday.

The motion not being in order, he moved that the rules of the House be suspended to allow of the resolution.

The vote being taken, there were, ayes 84, noes 61.

So the House refused to suspend the rules.

Mr. ANTHONY moved that the House do now adjourn.

The vote was taken by tellers, and the result was, ayes 62, noes 59.

So the House adjourned.

SATURDAY, JANUARY 30.

The question of order arising on the appeal from a decision of the Chair, taken by Mr. ADAMS on the presentation of a petition praying the abolition of slavery and the slave trade in the District of Columbia, having been postponed to this day,

Mr. ADAMS said that the House had already decided the question of appeal upon another petition. He should therefore move to lay the motion on the table.

After some conversation between Messrs. BRIGGS, ADAMS, and the CHAIR, Mr. ADAMS withdrew his appeal, and the question on the reception of the petition was laid over to Monday.

SUFFERERS IN FLORIDA.

Mr. WHITE, of Florida, asked leave to introduce a resolution relating to the unfortunate situation of the Territory of Florida at this time.

Objection being made,

Mr. WHITE moved to suspend the rules; which was agreed to; and he then submitted the following joint resolution:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be authorized to cause rations to be delivered from the public stores to the unfortunate sufferers who have been driven from their homes by Indian depredations, until they can be

re-established in their possessions, and enabled to procure provisions for the sustenance of themselves and families."

Mr. WHITE hoped the House would direct the resolution to be engrossed without commitment. The documents which had been laid on our tables had afforded all the requisite information on the subject. He would not occupy the attention of the House longer than to say that five hundred families had been driven from their homes in consequence of the war, and had been reduced from a state of comfort and affluence to the utmost want. They were now hanging on the remnant of our army for protection, and were without provisions, or the means of obtaining them. After the vote of the House making appropriations to repress the hostilities of the Indians, for which he was very grateful, and after the repeated appropriations of money for the relief of these very hostile Indians, when they were starving, one appropriation of $30,000 having been made at his instance, he trusted that the House would not object to relieve the necessities of these unfortunate people, until they could find means of providing for themselves. He had called upon the President, and asked him if he would not give an order to furnish them with provisions from the commissariat, and he replied that he could not, but that it would afford him much pleasure to do it if Congress would give him the power.

Mr. WHITTLESEY rose, not, he said, to oppose the resolution, but to suggest to the gentleman the propriety of rendering it more definite in its terms. It was too indefinite as to the amount of the rations, and the time for which they were to be furnished. The inhabitants ought not to be subsisted by the Government longer than their indigent circumstances rendered it necessary.

Mr. BOON thought the latter clause of the resolution too indefinite. They should be provided for until they were able to sustain themselves and families.

Mr. BEALE moved to amend by striking out all after the word "possessions."

Mr. WHITE accepted the amendment as a modification.

Mr. PARKER said the resolution ought to be limited to some definite term, say two or three months. He hoped it would be postponed till Monday, in order that Congress might act more advisedly upon the matter.

Mr. WHITE hoped, he said, that it would not be postponed. The resolution only contemplated relief until the inhabitants could be re-established in their homes, or fly to some place of safety. At present they were pressed on all sides by the savages; their houses were burned, their plantations laid waste, their negroes carried off, and, in fine, they were starving for bread. If any relief was to be afforded to them, it must be done promptly.

Mr. PARKER was not, he said, opposed to the object of the resolution; but, while we provided relief, we should take care that the public service was not prejudiced by it. He would rather vote for some specific sum, say $50,000.

Mr. EVERETT said he would submit to the gentleman from Florida the propriety of extending the same relief to the friendly Indians near Fort Brooke. By a letter received yesterday from that quarter, he was informed that three hundred Indians had been in that vicinity for six or eight months, prepared to emigrate; that provision had not been made for their removal, nor for their subsistence in the mean time; that, in view of their emigration, they had been ordered not to plant the last season; and, from their destitute condition, fears were entertained of their going over to the enemy; that even surprise was expressed that they yet remained faithful.

Mr. WHITE stated that they had now joined the army, declared war against the hostiles, and drawn rations as attached to the army.

Mr. WILLIAMS, of Kentucky, moved to insert, after the word "sufferers," "who are unable to provide for themselves;" which was agreed to.

Mr. PARKS inquired if there was any precedent for this resolution. It struck him that it set a precedent of no trifling importance--one under which a hundred millions might be taken from the Treasury. He felt as much for the distresses of these people as any one could; but he thought the House ought to reflect a little before they established so dangerous a precedent. He hoped the resolution would lie over till Monday, to afford time for consideration.

Mr. PATTON was very glad, he said, that the gentleman from Maine had made the inquiry whether there was any precedent for this measure; and he thought it proper also to make the further inquiry, whether there was any principle by which it could be sustained. He had very little doubt that the difficulty suggested could be removed, for he did not believe there was any considerable error or abuse in legislation that could not be sustained by some precedent, real or supposed. Precedents, instead of being guides to direct, ought to be beacons to warn us. He adverted to the act for the relief of the sufferers on the Niagara frontier, and to the abuses practised under it.

Mr. GRANGER, of New York, rose and said: Mr. Speaker, in the little observation I have had of men and things, I have learned that precedent is often used to restrain our generous impulses, but seldom to impel us to generous action. In the little time I have been here, I have not been so much gratified with any thing that has occurred, as I have been at the prompt manner in which this House has stepped forward to provide means for carrying on the war in Florida. Whilst we have been without any official information from the executive department of the Government, whilst the newspapers, and the newspapers alone, have been discussing the question whether censure should rest upon one of the Departments or upon the commanding officer in Florida, this House and the other branch of the Legislature have stepped forward to sustain this war, although no requisition has been made by the Chief Magistrate of the nation. Sir, I rejoice that they have done so.

[Mr. CAMBRELENG rose to explain, and Mr. G. yielded the floor.

Mr. C. said that great injustice had been done in the newspapers to the course pursued by the Departments. The Committee of Ways and Means had been furnished with the first communication on which they acted, by the Secretary of War. They next day received a second communication, with all the documents relating to the Indian war, and which contained all the information that was requisite. The documents had not gone forth to the public, which was an extraordinary circumstance. They certainly were sent by the committee to the House, and ought to have accompanied the bill, and been printed and sent to the Senate. If they had, the erroneous impression as to the remissness of the Departments or the Executive would not have gone into the newspapers. It was not the fault of the Executive, or of the Committee of Ways and Means, that this had not been done.]

Mr. G. resumed. If the gentleman had listened to me a little longer, he would have discovered that I intended no censure on the Executive; but as he has chosen to challenge me to speak, I do say that the history of this nation can present nothing like the silence which has existed upon this subject. I do say, that whilst this hall has been ringing with plaudits upon our administration, and whilst we have been called upon day after day to hunt up the bones of dead quarrels here, whilst your settlements have been laid waste and desolate, no com-

munication has been made to this House, as a branch of the Government. Whatever information you have, even upon the gentleman's own showing, is a letter from the Secretary of War to the chairman of the Committee of Ways and Means.

[Mr. CAMBRELENG. That letter contained all that was necessary.]

Mr. G. continued. Sir, I repeat that, with a war known to exist in this country, we have been occupied in hunting up the possibility, not only of a war which might take place hereafter with a foreign nation, but also to discover whether a war was last year likely to have existed. We have war enough upon our hands to take care of. The war-cry is up in the woods, the tomahawk glitters in the sunbeam, the scalping-knife is urged to its cruel duty, the flower of your chivalry is strewed along the plain, and yet every department of this administration is as dumb as the bleeding victims of this inglorious contest. This would not have been said, sir, if the gentleman from New York had not cut short what I intended to say.

The situation of Florida is unlike that of the country alluded to by the gentleman from Virginia, [Mr. PATTON.] If I understand the character of that Territory, it is not susceptible of sustaining a dense population within its borders. There are now but few inhabitants, and those spread over a large expanse of country; and when they are driven in from their settlements, unless the Government extends its aid, they must inevitably perish. They are not like the sufferers on the Niagara frontier, who fell back upon a country as rich in agricultural products as any other section of the Union.

I am not afraid of the precedent to be furnished by this resolution. In legislating for a suffering people, I want no precedent but that which my Creator has planted in my bosom. I do not believe that we sit here with the sympathies of our nature chilled and frozen by the mere force of the oath which we have taken. I do not believe that our duty requires that they should be thus chilled and frozen. I believe that the existence of this Government depends upon its extending its fostering hand to the unfortunate, whenever it can be done within the limits of the constitution. Especially should this be the case, where the sufferers reside within a Territory, and have no State Government to which they can look for succor. Such is the true course to be pursued in this nation; and then our people will feel that they are indeed members of one common family; and that, whilst they bear equal burdens, they are the equal recipients of the bounty and protection of Government.

Mr. LANE said he regretted the gentleman from New York, [Mr. GRANGER,] for whom he entertained the kindest feelings of respect, had not sought a more fit occasion to indulge in bitter remarks against the Executive, and those who sustain him in this House.

The resolution has for its object the immediate relief of the citizens of Florida, whose country has been desolated, whose houses and property have been destroyed, by an unexpected savage war upon its innocent and defenceless inhabitants—men, women, and children, in a state of starvation—a scene that can but call for the commiseration of every sympathetic bosom.

Yes, sir, upon this resolution, calling for action and unanimity, the honorable gentleman from New York has deemed it his duty to arraign the Executive for neglect of duty, for being deaf to the cries of women and children, while the scalping-knife is urged to its bloody office; that this House, instead of suppressing this war, and defending the country, have been seeking other cause of war, and hunting for the buried of the last session.

Mr. Speaker, with what justice are those charges made? The honorable gentleman from Florida [Mr. WHITE] has informed the House again and again that the President of the United States has promptly done all in his power to suppress the savage and relieve the country. And whenever the subject has been presented to this House, it has been taken up and acted upon with a promptness unknown to legislation. To consider the present resolution, the rules of the House have been suspended.

No matter, however, what the subject or the occasion, a dash at the Executive or his friends is to be expected from some one of the opposition.

Sir, if ever there was a time or an occasion in legislation when men might indulge all the nobler feelings of the soul—when, to pause for precedents in legislation, or to consult the letter of the constitution, would be cruel—this is that time and that occasion. If aught could have dried up the sympathies of my heart, (always, and I trust ever will be, open to the cries of distress,) the remarks of the honorable gentleman from New York would have done it. But, he trusted, neither the injustice of the remarks, nor the spirit of party it was so well calculated to awaken, will influence a single vote on the adoption of the resolution.

Mr. HOLSEY said, when a suffering people had been driven from their homes, and left without the means of sustaining themselves, that then it was the duty of the Government to extend to them relief. In the present case, the inhabitants of a portion of Florida were cut off by the savages from any settlement where they could have an opportunity of supporting themselves by their own exertions, and surrounded on all parts by a wilderness. In such a state of the case, he considered it to be the duty of the Government to support those people until they could be restored to their homes. If the inhabitants of Florida had been thrown back on a frontier teeming with all the luxuries of the earth, then the application of the strength given them by their Creator would have been sufficient for their sustenance, without the aid of Government. If the inhabitants had been thrown on the frontiers of Georgia and Alabama, then we might apply the principle of the gentleman from Virginia, [Mr. PATTON.] There are about 500 soldiers in that country, and they cannot procure the necessaries of life; and when men, with arms in their hands, cannot procure subsistence, how was it to be supposed that the suffering inhabitants could survive without the aid of the Government? A Government that will not extend protection and relief to its own citizens is unworthy the name of a Government.

Mr. HAWES proposed to amend the resolution, by striking out the word "sufferers," and inserting in lieu thereof, "women, children, and men unable to bear arms."

Mr. H. said it would be apparent that his object was to confine the operation of the resolution to those who were incapable of bearing arms in defence of their country. If individuals capable of bearing arms were in the field, rations would be issued to them as a matter of course, and they should be nowhere but in the field of battle, in defence of their firesides and their homes. Feed men up, and stuff them with rations, and, my word for it, (said Mr. H.,) there is no fighting. But let them depend upon themselves, let them have the soldier's rations as the soldier gets them, in the field; let them be hungry at times, and then they will fight fast enough. Those who were unable to arm in defence of their country he would relieve; those capable of bearing arms should earn their rations by being found on the field of battle.

Mr. BOULDIN said he wished to relieve these people from their deplorable condition, but was not willing to violate the constitution or transcend the powers of the Government about it. He should never give a vote pred-

icated on the idea that this House was a charitable institution. He had often felt his heart warmed with the mere imagination of what he would do for the relief of the suffering, were these splendid resources his. They not being his to dispose of, he could give nothing from them on the ground of sympathy or charity. But this Government is bound to protect its citizens against invading enemies—the people of Florida just as much as any others—no more, no less. If, from the suddenness of the attacks, or want of men or arms, we are not able to protect them in their houses and at home, where we are bound to do it, we must do it where we can: take them under the immediate wing of the army. This protection must be real—not only from the tomahawk and scalping-knife, but from inevitable starvation caused by the enemy. The richest man might starve, if chased into the wilderness by the scalping-knife. Shall we be bound to save him from the scalping-knife and let him starve in the wilderness before he can return to his means? If these people are driven from their homes by an invading foe, and unable to sustain themselves in any other way, I feel confident it is our literal duty to defend them in that way; not only from death at the hand of the savage, but from starvation, the immediate consequence of the pursuit of the savage; and if the resolution be now framed, or shall be altered, so as that none will be provided for but such as we are bound to defend, and cannot otherwise defend, and who cannot protect or provide for themselves, I will vote for it.

Mr. GLASCOCK had hoped, at least, that, upon a subject like this, nothing would have transpired to have disturbed the harmony of this debate, and that they should have had immediate action upon it. He regretted that any thing should have been thrown out in the way of censure upon the Government; and he had no hesitation in expressing his firm belief that, so far as related to the depredations in Florida, and all which had grown out of it, no department of the Government was in any way to blame. He believed that, throughout the whole transaction, each department had faithfully performed its duty. Mr. G. felt but little disposed to say any thing on a question like that, nor should he have said a word but for the remarks of the gentleman from New York, [Mr. GRANGER.] He would, however, tell that gentleman that, whatever he might suppose to influence the members of the administration on questions of this kind; yet, if a war came, whether foreign, domestic, or otherwise, the friends of the administration would be found as ready and as willing to protect the Government and their fellow-citizens as any of the gentlemen of the opposite side. The time might yet come when the country would see which would, and which would not, be ready and willing to step forward in her defence.

With regard to the resolution, he hoped it would be adopted immediately. He did not know that it was actually necessary; for if the commissary general, or the person authorized to issue rations, had acted as Mr. G. would have done under the same circumstances, he had not waited for any preliminary action on the part of the Government. If the necessities of the inhabitants demanded it, he should, without consulting any department of the Government, promptly have dealt out to them, trusting to the magnanimity and liberality of the Government for his vindication. The case, however, would be hopeless, should this resolution be delayed or rejected. The knowledge of such a disposition of it would reach that section of the country in a short time, and the consequence would be, that those who had charge of the public supplies there would refuse all aid; for they would say, Congress had refused them the power; or, if they did, they must do it at their own expense. He hoped, therefore, that there would be no further delay. There could be no necessity for postponing it. It was a plain question, which needed no time for reflection, and he felt perfectly satisfied, in his own mind, conflicted with no provision of the constitution.

Mr. WHITE, of Florida, said he rose to appeal to those who intended to vote for the resolution under consideration, not to discuss it farther, as it was of the utmost importance that whatever was done should be done promptly. He could not repress the expression of his astonishment that, upon such a question, gentlemen were disposed to use such measured phraseology, and to employ such refined limitations, to prevent our excessive humanity from too great enlargement by the Executive. The resolution proposed to relieve sufferers, driven from their homes by a desolating war, in the origin of which they had no participation, but in the consequences of which their lives and property had been destroyed, to an extent almost unexampled in the history of savage warfare. Upon such a question, he wished the House to proceed to the vote, and let those who doubt about precedents look for them in the uniform practice of every year, for ten years past, as the journals bear testimony. He had been honored with a seat in the House for ten years, and he could say with confidence that a precedent was to be found at every session.

This was no party question, and he trusted that the attention of the House would not be diverted to other topics connected with it, which might be made the subject of future investigation. This bloody war, now raging on our frontier, was not produced by any acts of the people who were plundered and murdered, nor by causes which they could, by any foresight or courage, control or prevent. It grew out of the relations between the Government of the United States and these Indians. A treaty was entered into for their removal to the west of the Mississippi; they complained of this treaty, and were indulged for another year by the Government, upon a solemn pledge, signed by all the chiefs, to remove this winter. The time arrived, and they violated this convention, and commenced this scene of destruction upon the peaceable, unsuspecting, and unoffending inhabitants of Florida. Whether the Government took these precautionary measures in advance of such a crisis is a matter that will be inquired into, and ought to be, and shall be, investigated. Whatever fault may have been committed, (if any, which he did not charge,) that, however, would be inquired into, and it was due to the people of Florida, and to the Government, that it should be inquired into. He took pleasure in saying that, from the moment of the commencement of actual hostilities, no Government could have taken more energetic measures for the speedy termination of the war than the President and Secretary of War had done. They have done every thing he had asked with alacrity and proper public spirit. It is (said Mr. W.) the misfortune of our country that the miserable handful of men, called the army of the United States, are scattered over a frontier of four thousand miles in extent, and could not be concentrated at any one point until a great portion of your territory is desolated. The commanding general, with fourteen companies under his command, was enabled only to bring into the fight 250 regulars, who fought with a spirit and gallantry never surpassed in a conflict with the Indians. I know General Clinch to be as prudent and as brave a man as the army can boast of, and in that desperate battle of Wythlacoochee he threw himself in front of the lines, and animated his soldiers by his example. If he had pursued the enemy, leaving his 54 wounded men, he would have most probably shared the fate of the gallant and unfortunate Dade and his brave companions, without even a wounded man to tell the melancholy story of the bloody tragedy.

We are not now to consider the conduct of the admin

istration, nor the acts of our military commanders. The good or bad deeds of either are not now to be discussed or passed upon. All this belongs to history, and may be examined when I make an appeal, which I shall do, for an indemnification of the inhabitants who have been ruined for the want of an adequate protection of this Government. The question now is, whether the women and children of respectable planters, recently in the enjoyment of peace, happiness, and contentment, suddenly driven from their homes by a merciless and savage enemy, and forced into your military cantonments, to escape the tomahawk and scalping-knife, are to be left to starve because the President has no power to relieve them without a vote of Congress. Sir, what is the object of Government, if we are coolly and calmly to sit here talking about precedents? It is a case for a precedent, if none existed; and it is one which in all time would stand as a principle, to which humanity and justice can point as worthy of an American Congress. And are there no precedents to quiet the conscience of the gentleman from Maine? [Mr. PARKS.] Let us look for authority in our legislation. Several years ago these merciless barbarians who have committed these outrages were themselves in a state of starvation, and Congress appropriated, by an almost unanimous vote, (every member from Maine voting for the bill,) a large sum to feed these Indians, without any pretext of a treaty, law, or precedent; and yet we want to search for precedents for an important principle to feed those who have been reduced to starvation by the enemies of this Government, growing out of the acts of the United States. The gentleman would doubtless have voted for the Indians, but not for these unfortunate sufferers, many of whom have been reduced from affluence to penury by a savage enemy. If authority is wanted, let us look back to the history of the past. Congress appropriated money to send provisions to Caraccas, some years ago, to relieve the distresses of the people of South America. The President, out of an appropriation for repressing hostilities of the Indians on the Michigan frontier, ordered rations to be delivered to the suffering inhabitants until the end of the war. The settlers at New Madrid were indemnified for the damages occasioned by an earthquake; and, at every session since I have been in Congress, a vote has been taken here to distribute wood to the suffering poor of this city. If gentlemen want precedents, they have them in the repeated acts of this Government in charity for the visitations of Providence. Sir, here are precedents; and, with these before us, what are you to say to these people who have been ruined by the acts of the enemies of the country, and having escaped upon a sparse and thinly inhabited frontier, are to be told that they have only escaped the savage tomahawk and scalping-knife to perish by starvation?

I have had occasion before to express my gratitude to this Congress, and that of the generous people I represent, for the appropriations which have been made with such unanimity, and for the suspension of all the rules, to enable me to offer this proposition, and I expect a still more signal occasion for expressing it in the vote which I now confidently expect to carry consolation and comfort to the hearts of those who look to you for protection in this calamitous crisis.

Mr. TURRILL did not rise to discuss this subject, but merely to make a few remarks, that he might be distinctly understood in the vote he was about to give. With the honorable gentleman from Florida, he sincerely hoped that a party discussion would not again grow out of any proposition similar to the one before the House. Such a discussion was at all times to be deprecated, and it was to be hoped that the honorable gentleman hereafter would not adopt a course calculated to provoke such a discussion. If I understand him correctly, (said Mr. T.,) the honorable gentleman commenced his remarks by saying that, whatever may have been the fault of the Government, it was evident that now was not the time to inquire into the causes which have produced the unfortunate state of things in Florida. He believed, however, that it was due to his constitutents that the inquiry should be made, but that inquiry ought to be left for another occasion; and, sir, (said Mr. T.,) for the last two or three days, whenever this subject has been before the House, the honorable gentleman has repeatedly stated, and with great emhpasis, too, that the citizens of Florida have been placed in their present unfortunate situation by the acts of this Government, and without any fault of their own. Mr. T. said if he voted for the resolution, he should not do so because he believed the Executive justly chargeable with any the slightest omission of duty, or because he supposed the citizens of Florida had any peculiar claims.

[Mr. WHITE explained. He did not say that any fault rested with the Government or its Departments. He said they had taken every measure they could since the hostilities had broken out. He was not prepared to speak of any thing before that, but it was due to his constituents that investigation should be made.]

Mr. TURRILL said that, after what had fallen from the honorable gentleman from Florida during this debate, taken in connexion with the attack made by his colleague [Mr. GRANGER] upon the administration, if he were to vote for the resolution without giving any explanation, it might be construed into a tacit admission that there was some foundation for the charges which have been preferred against the executive department of the Government. Mr. T. felt as much sympathy for the sufferers as the honorable gentleman from Florida, and would go as far as any gentleman to extend to them that prompt and efficient relief which their peculiar situation demands; but he should not vote for the resolution because he supposed that the Government was in fault, or because he believed the situation of the citizens of Florida to be such as to place them in a relation to the Government different from that of all other pioneers along our western frontiers, whose spirit of enterprise has stimulated them, with the hope of gain, to press their settlements into the wilderness, where savage tribes still linger. They locate with a full knowledge of the hardships and privations, of the difficulties and dangers they have to encounter; they are all alike entitled to the protection of the Government, and the citizens of Florida had no peculiar claims over other pioneers.

Mr. T. said the House ought not to act upon the impulse of the moment, without some investigation. He apprehended that the true state of things in Florida was not correctly understood. He believed that the numerical strength of the hostile force was greatly overrated. It would be found that, instead of having been remiss, the Executive had done more, much more, than the exigencies seemed to require. Long since, and before any serious apprehensions were entertained, even in Florida, that there would be any hostile movements by the Seminoles, fourteen companies of regular troops were placed at the disposal of General Clinch. In addition to this, that officer was authorized by the President to call upon the Governor of Florida for any force which might be necessary to meet any emergency, and, by a prompt and decisive blow, to put an effectual termination to hostilities, should the Indians attempt to make war upon the inhabitants. Orders had also been given to call upon the Governors of Georgia, Alabama, and South Carolina, for any additional force that might be required. The time has been when seven hundred undisciplined militia, under a skilful commander, contended successfully against this very tribe of Indians; and Mr. T. said, from the best information he could obtain, he

was satisfied that at the battle of Wythlacoochee there were troops enough in sight to have gained a decisive victory, a victory which would have put an end to the war; but, for some cause or other, the militia did not cross the small creek which separated them from the battle ground. They remainded idle spectators of the bloody contest. There has (said Mr. T.) been no fault, I repeat, no omission of duty, on the part of the Executive. All has been done, and more than could have been expected or required. If censure is merited, it must rest elsewhere, and not on the Executive. In voting for the resolution, he would do so because he believed that the relief asked for should be granted, in all cases where citizens have been expelled from their homes and made penniless by any hostile force.

Mr. HARPER could not permit himself to doubt that this resolution would pass unanimously, and he was astonished that any thing like party discussion should have grown out of such a subject as this. He would not stop to inquire who was right or who was wrong. He asked if it could be possible that, while they sat there as a legislative body, voting public money for losses which happened twenty years ago, they could refuse relief in this case? He hoped the vote would be taken without any further discussion. If a precedent was wanted, it would be found in a vote given yesterday, to pay a man for a barn which was burnt in Virginia, by the enemy, twenty years ago; and could the House hesitate to vote for the relief of these women and children?

Mr. REYNOLDS, of Illinois, then moved the previous question.

Mr. PARKS raised the question of order, whether the resolution, being one of appropriation, must not pass through the forms necessary for all appropriations, viz: that it could not be passed on the day of its introduction, and must first be considered in Committee of the Whole.

The CHAIR decided otherwise, on the ground that it was not an original appropriation, but directed the application of a sum of money already appropriated; whereupon,

Mr. PARKS appealed from the decision of the Chair; and, after a few words from Mr. MANN, of New York, in support of the Chair's decision, and Mr. PARKS against it, the decision of the Speaker was sustained by the House.

The previous question was then seconded: ayes 95, noes 56; and the main question, which was on the engrossment of the resolution as modified and amended, was then ordered to be put; and on the main question

Mr. PINCKNEY asked for the yeas and nays; which were ordered, and the result was: Yeas 178, nays 14, as follows:

Yeas—Messrs. John Q. Adams, Chilton Allan, Heman Allen, Anthony, Ash, Ashley, Banks, Beale, Bean, Beaumont, Bockee, Bond, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Bunch, John Calhoon, William B. Calhoun, Cambreleng, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Childs, Clark, Cleveland, Coffee, Connor, Corwin, Craig, Cramer, Crane, Cushing, Cushman, Davis, Denny, Dickerson, Dickson, Dunlap, Efner, Evans, Everett, Fairfield, Farlin, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, Rice Garland, Gillet, Glascock, Graham, Granger, Grantland, Graves, Grayson, Grennell, Haley, Joseph Hall, Hiland Hall, Hamer, Hannegan, Harper, Samuel S. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Hiester, Hoar, Holsey, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, G. Lee, J. Lee, T. Lee, Luke Lea, Lincoln, Logan, Love, Lyon, Abijah Mann, Job Mann, Manning, Moses Mason, Samson Mason, Maury, May, McComas, McKennan, McKeon, McKim, Mercer, Miller, Milligan Morgan, Morris, Muhlenberg, Owens, Page, Parker, Patterson, Dutee J. Pearce, J. A. Pearce, Pettigrew, Phelps, Phillips, Pinckney, Potts, Reed, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Russell, Schenck, Seymour, A. H. Shepperd, Shields, Shinn, Slade, Sloane, Smith, Spangler, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Vinton, Wagener, Wardwell, Washington, Webster, Weeks, White, Whittlesey, Lewis Williams, Wise--178.

Nays—Messrs. Campbell, Dromgoole, James Garland, Griffin, Hammond, Hardin, Jarvis, Loyall, McLene, Parks, Patton, Robertson, Waddy Thompson, Sherrod Williams—14.

So the resolution was ordered to be engrossed; and the same having been engrossed, was then read the third time and passed.

Adjourned.

Monday, February 1.

SLAVERY IN THE DISTRICT OF COLUMBIA.

This being petition day, the House resumed, as the unfinished business, the consideration of the motion of Mr. Cushing, of Massachusetts, that the petition presented by him, of sundry citizens of Massachusetts, praying the abolition of slavery and the slave trade in the District of Columbia, be received.

Mr. HAMMOND, who was entitled to the floor, rose and said, that when he had first demanded the preliminary question of reception on the presentment of a similar petition some weeks ago, it was his hope and expectation that it would be decided without debate. On every subsequent occasion when he had felt it his duty to make a similar demand, he had entertained the same desire, and had himself refrained from taking any part in the discussions which had arisen. It was obvious, however, that gentlemen presenting these petitions were determined to discuss them; and, after what had occurred on last petition day, he concluded that no such petition would be offered to the House hereafter, without a preliminary speech as well as motion. As much, therefore, as he felt indisposed to block the proceedings of the House on this important day, he thought perhaps he had as well say at once what he had to say on this subject in its present stage, and by so doing he might facilitate the business of the House.

I listened, sir, (said Mr. H.,) with much pleasure to the address of the gentleman from Massachusetts [Mr. Cushing] who presented this petition, and I believe I can say that I concur in every principle which he laid down. I am sure he cannot have a more sacred regard for the inestimable right of petition than I entertain. But, really, I cannot see what the discussion of that right can have to do with the question before the House.

No one here desires to "pass a law" depriving "the people of the right of peaceably assembling, and petitioning for a redress of grievances." In this instance they have already so assembled. They have petitioned for the redress of their imaginary grievances. The petition has been presented to the House. Its contents have been stated. If it had been requested, the petition itself might have been read by the Clerk. We are, sir, in full possession of its character and object. The petitioners and their representatives have performed their part without "let or hindrance," and it is now our duty to perform that which devolves on us. We may refuse to receive the petition, and record it on our journals; or

we may receive and instantly reject; or commit, and, on a report, reject the prayer of the petitioners; or we may grant their prayer. Any of these courses it is fully competent for this House to adopt; and none of them, in my opinion, impugn in the slightest degree the right of petition which has been so justly denominated "sacred."

I think, sir, that this House should not receive the petition, and that is the course which I suggest. The gentleman says it is not disrespectful in its terms. I pass that by, then. But I think we should not receive it still, because it asks us to do what we have no constitutional power to do; and what, if we had the power, it would be ruinous to a large portion of this confederacy, and ultimately destructive to all our institutions, for us to do.

The constitutional power to abolish slavery and the slave trade in this District is claimed by virtue of the clause which gives to Congress "exclusive legislation" here. I admit at once, that under that clause Congress has full power, so far as "legislation" is concerned, over this District, except where it is limited by the letter or the spirit of the constitution in other portions of that instrument, or by the contract made with the States of Virginia and Maryland in the acts of cession by those States. As this point has been ably and I think satisfactorily discussed, both in this House and another portion of the Capitol, I will only glance at it at this time. All the powers given by the constitution are trust-powers, and should be construed in connexion with each other, and in reference to the great objects they were intended to accomplish. Now, I ask if any member of this House--having before him those clauses of the constitution forbidding the passage of laws, even by the States, to prevent the arrest of "persons held to labor" in the other States—forbidding "Congress to take private property," even "for public uses, without just compensation," and recognising slaves as property, entitled to representation only as three fifths, and not as persons entitled to full representation—can say that it will not be a violation of the letter and the whole spirit of the constitution to assume the power which you are now called on to exercise? As much a violation of it as to pass an *ex post facto* law or bill of attainder here?

I ask gentlemen if they believe this constitution would ever have received the sanction of a single slave State, if it had been suspected for a moment that this power was given to Congress by it?

But, sir, admitting for the sake of argument that the constitution places no limitation to the power of "legislation" in the District of Columbia, I ask how far that power will, of itself, extend? What are the great objects of all human legislation? To protect life, liberty, and property. Can we, under this definition, assume the power wantonly to destroy them? It is true, property is sometimes seized as a penalty for misdemeanors, and liberty, and even life, are forfeited for crimes. But does this warrant Congress, or any legislative body in this country, at its free will and pleasure, to confiscate the estate of a peaceful and unoffending citizen, or imprison him, or take away his life? Sir, monstrous as these propositions are, they are not more monstrous, nor would they be more fatal in their consequences, than that which these petitioners ask us now to adopt. And here let me say, in answer to the gentleman from Massachusetts, [Mr. CUSHING,] that I can see no difference between the constitutional power to abolish the slave trade, and the power to abolish slavery itself. If the slave owner is deprived of the full use of his property, unless that use impairs the right of others, you can as well deprive him of the property itself. The principle in both cases is the same. But, for the reasons I have already mentioned, I will not dwell on this branch of the subject.

Mr. Speaker, I object to the reception of these petitions, in the next place, because they are sent here by persons who are pursuing a systematic plan of operations intended to subvert the institutions of the South, and which, if carried into effect, must desolate the fairest portion of America, and dissolve in blood the bonds of this confederacy. It has been said, upon this floor, that the abolitionists of the North are very few in number, and of so little influence as to be unworthy of our attention. It has been said here, on the other hand, that they constitute a majority north of Mason and Dixon's line, and their influence is "tremendous." Amid this conflicting testimony, permit me to call the attention of the House to some important facts connected with the subject.

It will be recollected that during this session, in consequence of the course which has been taken in the matter, on but a single day has an opportunity occurred for a free presentment of petitions of the character of that before us. On that day, although it could not have been expected that the occasion would occur, fifty-eight of these petitions were presented, a number considerably larger than the average number presented during the last four sessions. These petitions are signed by between seven and eight thousand persons, male and female, some of them signing as representatives of large societies. I have been informed that three hundred petitions of this kind have been forwarded to Congress, and I do not doubt the fact. If they are as numerously signed, we shall have the names of some forty thousand persons petitioning Congress at this session to abolish slavery and the slave trade in the District of Columbia. This, sir, is no small evidence of the strength of the abolition party.

But let us trace the history of the formation of the societies to which I have alluded. In 1832, less than four years ago, the New England Anti-slavery Society was formed. This I believe was the first society of this kind created on this side of the Atlantic. I remember well the ridicule with which it was covered when it was known that it had been formed by a meeting of eleven persons. Some time in the year 1833, the New York Anti-slavery Society was formed, by a meeting composed of two-and-twenty men, and two females. I remember, also, the contempt with which this annunciation was greeted; but, sir, they grew in spite of our indifference and contumely.

On the 4th December, 1833, at a convention of abolitionists in the city of Philadelphia, the great American Anti-slavery Society was formed, and a bold "declaration of their sentiments" given to the world. They announced that "all slaves should instantly be set free," "without compensation to their owners;" "that the paths of preferment, of wealth, and of intelligence, should be as widely opened to them as to persons of a white complexion." And that, to effect these purposes, they pledged themselves "to organize anti-slavery societies every where;" "to send forth agents to remonstrate, warn, and rebuke;" "to circulate periodicals and tracts;" "to enlist the pulpit and the press;" "to purify the churches of the crime of slavery;" and "to encourage the labor of freemen rather than that of slaves, by giving a preference to their productions."

From this moment the infection spread with unparalleled rapidity. In May following (1834) there were sixty anti-slavery societies. By May, 1835, the number had increased to two hundred. By October, 1835, it had swollen to three hundred. And by a document which I hold in my hand, purporting to be a "protest of the American Anti-slavery Society" against certain sentiments expressed on this subject by the President of the United States, in his last annual message, it appears that there were known to be three hundred and fifty anti-slavery societies in the United States on the 25th day of December last.

Some of these societies contain as many as four thousand members, and none of them I believe less than fifty. On a fair calculation, it may be presumed that not less than one hundred thousand persons in the non-slaveholding States are united in these societies, and their numbers are increasing daily with a rapidity almost beyond conception—a disciplined corps, who have pledged life and fortune to the great purpose of emancipation.

That the spirit, means, purposes, and plans, of these societies may appear more fully, I will refer to the "Address of the American Anti-slavery Society," at its last annual meeting, which I have in my hand, and ask permission of the House that the Clerk may read. (*a*)

Here, sir, is a number of the paper entitled "Human Rights"—a neat, well-printed sheet. Here are several numbers of the "Anti-slavery Record," on the outside of each of which is a picture representing a master flogging naked slaves, and each of which contain within pictures equally revolting. Here is a handful of the little primer called the "Slave's Friend." On the covers and within each of these are also pictures calculated to excite the feelings and to nurture the incendiary spark in the tender bosom of the child. And here, sir, is "The Emancipator," a large and handsome paper. And that you may understand the spirit and principles which it inculcates, I will read to the House a paragraph from a number dated New York, November, 1835.

"*The Alternative.*—William Wertenbaker, assistant postmaster, and librarian of the University of Virginia, gives notice that he has committed to the flames a copy of Human Rights we sent him; and very gravely asks, 'Which of the two do you prefer—a perpetuity of slavery, or a dissolution of the Union?' The latter, we say, by all odds, if we must choose. We are for union, but not with slavery. We will give the Union for the abolition of slavery, if nothing else will gain it; but if we cannot gain it at all, then the South is welcome to a dissolution—the sooner the better. The slaveholders may as well understand, first as last, that 'the Union' may have other uses to them than that of a lash to shake over the heads of northern freemen."

It speaks for itself. I make no commentary. Here, sir, is a pamphlet called the "Anti-slavery Reporter," published monthly, I believe, by this society. Here is a "Quarterly Anti-slavery Magazine," of very respectable size, edited by Elizar Wright, Jr. Here is a pamphlet entitled "Anti-slavery Hymns," of which there are nineteen. They purport to be for the use of the "monthly concerts for the enslaved" in the city of New York, and the publication of a more copious collection in Boston is announced. Here is a small book entitled "Juvenile Poems." It contains, besides a great number of doggrel articles of the most inflammatory character, some nine or ten disgusting prints; all of which are designed "for the use of free American children of every complexion." Here is a pamphlet written by a "Man of Color," and here are a quantity of sermons, essays, reports, letters, &c., all intended for the same incendiary purposes.

I hold, also, in my hand, that most powerful engine in party warfare, an "Anti-slavery Almanac for 1836." From this allow me to read two short extracts. The following will show the political tendency of this abolition agitation: "We are rewarding slaveholders for their usurpation and injustice, by allowing them to send twenty-five Representatives to Congress to represent their slave property." It has been said that "the petitioners have no further object than merely to wipe from the national escutcheon the stain affixed to it by permitting slavery to exist at the seat of Government of the United States." In answer to that allow me to quote the following passage, and there is scarcely a publication that I have exhibited here to-day in which the same sentiment is not expressed: "Should you abolish slavery in the District of Columbia alone, it would heave the foundation of the system in every State in the Union." Nor is this work without its pictures, libelling the slaveholders with their vile caricatures. To illustrate more fully the political tendency of the extraordinary excitement on this subject, although I do not intend on this occasion to discuss that branch of the question, I will refer the House to an extract from the "Anti-slavery Circular," printed at Medina, Ohio, December, 1835, which I hold in my hand, and which I again ask the favor of the House to permit the Clerk to read. (*b*)

Sir, while we are discussing the question of the reception of these petitions, movements are making at the North, and societies are springing up like mushrooms. Here are the proceedings of a meeting held within a few weeks past at Lowell, Massachusetts, the centre of the tariff interest, at which was formed a "Young Men's Anti-slavery Society," the preamble of whose constitution I will read. (*c*) Here is a circular, dated "Pawtucket, Rhode Island, January 12, 1836," calling a "Rhode Island Anti-slavery Convention," to meet shortly at Providence. It is signed by eight hundred and forty persons. I will read from it the following remarkable passage, from which it may be seen how deep the roots of this hostility to our institutions have struck into the foundations of society.

"Our country friends we hope will attend as numerously as they have signed the circular. The wealth and aristocracy of our cities are against us. They sympathize not with "the poor and needy," but with "the arrogant and him of high looks." Let our laboring men, then, the mechanics and the farmers, attend the convention. They can easily arrange their business so as to make it convenient to be in Providence at that time."

Here, sir, is the prospectus of the sixth volume of the "Liberator," published at Boston, by Isaac Knapp. Prefixed to it is an incendiary picture, and it contains the following passage, which exhibits, possibly with some exaggeration, in a strong point of view, the extent of the agitation on this subject throughout the non-slaveholding States:

"The sixth volume of the Liberator commences on the 1st of January, 1836. During the term of its existence, it has succeeded, in despite of calumny and strong opposition, in dispelling the apathy of the nation, creating an extraordinary and most auspicious interest for the oppressed, inducing a rigid investigation of the subject, and securing a host of mortal combatants, who are pledged never to retreat from the field. The wrongs of the slaves—the danger of keeping them longer in bondage—the duty of giving them immediate freedom—are the topics of conversation or discussion in all debating societies—in lyceums—in stages and steamboats—in pulpits and in periodicals—in the family circle, and between a man and his friend. The current of public sentiment is turning, and soon it will roll, a mighty river, sweeping away in its healthful and resistless career all the pollutions of slavery."

This prospectus is accompanied by an anonymous communication, for which, of course, I cannot vouch, which states that Doctor Channing has softened the asperity of his remarks on Thompson, the foreign anti-slavery missionary, in his late work on slavery. That it has, in consequence, been stereotyped by the abolitionists, and that the demand for it is insatiable. My colleague, [Mr. Pickens,] in the course of his remarks the other day, made an allusion to Doctor Channing, which drew from the gentleman from Massachusetts who sits near me, [Mr. Hoar,] a warm and passionate eulogium. He said he was a man who had stamped his genius upon the

age—a being almost too pure for such a world as this. I do not wish to wound the feelings of that gentleman, nor those of any friend of Doctor Channing on this floor, but I feel compelled to speak my sentiments respecting him without disguise or qualification. I have heard it said of him, by those well qualified to judge, that he is a man of superficial learning, a literary scavenger, whose acquirements consist of the mere offals of science, filched from those literary shambles, the reviews and magazines of Europe and America. I might assume too much, were I to pronounce this condemnation of him here. But this much I will say, that, while I have found in his writings many pleasing passages, I have rarely met with any thing evincing profoundness or originality of thought. I have glanced my eye over his last publication, which I now hold in my hand, and seldom have I seen so puerile a production from a man of ordinary reputation. It exhibits not only shameful ignorance of the subject of which he treats, but he has erected a tissue of stale, false, shallow, and declamatory reasoning even on acknowledged facts. I beg leave to read to the House the following passage:

"How far the obligation to conjugal fidelity, the sacredness of domestic ties, will be revered amid such temptations, such facilities to vice as are involved in slavery, needs no exposition; so terrible is the connexion of crimes! They who invade the domestic rights of others suffer in their own houses. The household of the slave may be broken up arbitrarily by the master; but he finds his revenge, if revenge he asks, in the blight which the master's unfaithfulness sheds over his domestic joys. A slave country reeks with licentiousness: it is tainted with a deadlier pestilence than the plague."--Page 92.

I will not inflict a review of this work on the House, but I must be allowed to say that he has not only enacted a second part to O'Connell, but also to Tappan, to Garrison, Wright, Knapp, Thompson, and the whole gang of abolition orators and writers on both sides of the Atlantic. He has but collected and compiled their cant, and if he has sometimes used better English, he has not added to its force, or spirit, or dignity, or decency. The terms in which he has characterized the morals of the South are gross, scandalous, and false. The licentiousness of which he speaks exists only in the impurity of his own imagination; and, in thus calumniating us, he has exhibited a lowness and malignity of mind unworthy of a scholar, unworthy a divine, and unworthy of a gentleman. I ask pardon of the House for using such emphatic language. I regret to use it towards any person, here or elsewhere; but when a man, and particularly a man of reputation, no matter how acquired, lends himself to the purposes of Arthur Tappan, and leagues with that not more detested monster, Murrell, to steep our land in blood, and cover it with ashes, it becomes every one to express, in plain language, the honest indignation of his heart.

As the last evidence which I shall offer of the extent of excitement at the North upon the slave question, I will read the following extracts from a letter from the western part of the State of New York. It is dated 12th of January, 1836. The writer of it is a gentleman who has been a close and shrewd observer of events passing around him. He is a man of talents and of strict integrity, and is one who has done and suffered something for his country. He says:

"The madness which influences our northern people on the subject of slavery is well calculated to fill the stoutest with dismay. The spirit which followed the Utica and Peterboro' convention of abolitionists has totally changed the question from that of the emancipation of the slave to that of the continuance of the Union."

* * * * * *

"The North is now laboring to unite her people against you. The effort is immense and continual. The enclosed anti-slavery pamphlets and some 'Emancipators' were distributed at a Presbyterian prayer meeting in my neighborhood the other day, by the president of the anti-slavery society of this county, and were handed to me by the deacon of the church, through the hands of one of the men in my employ. The object is to unite the northern people in hatred of the people of the South, by false representations of the condition of their slaves, and by charges of cruelty, immorality, and irreligion. I endeavor to convince my neighbors that these pamphlets are false in every particular, and that, if they join in the cry of abolition, they must partake of the enormous sin of bringing on a civil war, of destroying our Union, and of causing a renewal of the horrors of St. Domingo. And for what do they labor to bring on their country and their fellow-citizens of the South these dreadful calamities? It is for the liberty of the slave; and in gaining that liberty, or in the attempt, they inevitably lose their own. But this view has no weight; the effort to free your slaves will be made; and Congress will be the ultimate scene of the struggle. Our next elections will mainly turn on this question, unless you settle it now and forever; that is, before this session expires. If you adjourn without so settling it, you will have to resort to the bayonet to adjust it."

[Mr. GRANGER and Mr. LEE, of New York, demanded the name of the author. Mr. H. said, I cannot give it. I will vouch for his character. But such is the state of society around him, I fear it would prove dangerous, if not fatal to him, to disclose his name.]

Mr. Speaker, I believe what I have just read. Sir, there can no longer be a doubt of the deep, pervading, uncontrollable excitement which shakes the free States on this subject, nor of the energy and power with which the abolitionists are pressing their mad and fatal schemes. Every mail from the North brings fresh news of agitation; every breeze is tainted with it. It spreads like wild-fire in the prairies, and throws its red glare up to heaven, that all may see while it sweeps with resistless fury every thing before it. I call on every slaveholder in this House, and in this country, to mark its fearful progress, and prepare to meet it. He who falters here or elsewhere, he who shrinks from taking the highest and the boldest ground at once, is a traitor! A traitor to his native soil! A traitor to the memory of those from whom he has inherited his rights! A traitor to his helpless offspring, who call upon him for protection! And on his head be the blood which his treachery or cowardice may cause to flow.

Allow me now, sir, to examine more closely the real designs of those abolitionists, the means by which they will attempt to effect them, and the probable result. Their designs are very succinctly stated in the volume which I hold in my hand. It is a treatise on this subject, entitled "Jay's Inquiry," written by William Jay, a judge, I believe, of the State of New York, and a son--a most degenerate son—of the distinguished John Jay. More than five thousand copies of this work, I am told, have been sold. He says, "the society aimed at effecting the following objects, viz:

"1st. The immediate abolition of slavery throughout the United States.

"2d. As a necessary consequence, the suppression of the American slave trade.

"3d. The ultimate elevation of the black population to an equality with the white, in civil and religious privileges."—P. 141.

Sir, the abolition of slavery can be expected to be effected in but three ways: through the medium of the slaveholder—or the Government—or the slaves themselves.

I think I may say that any appeal to the slaveholders will be in vain. In the whole history of the question of emancipation, in Europe or America, I do not remember a dozen instances of masters freeing their slaves, at least during their own lifetime, from any qualms of conscience. If they are seized with these qualms, they usually sell their slaves first, and then give in their adhesion to the cause, as has been the case with some whom I could mention.

The abolitionist can appeal only to the hopes or fears or interest of the slaveholder, to induce him to emancipate his slaves. So far as our hopes are concerned, I believe I can say we are perfectly satisfied. We have been born and bred in a slave country. Our habits are accommodated to them, and so far as we have been able to observe other states of society abroad, we see nothing to invite us to exchange our own; but, on the contrary, every thing to induce us to prefer it above all others.

As to our fears, I know it has been said by a distinguished Virginian, and quoted on this floor, "that the fire bell in Richmond never rings at night, but the mother presses her infant more closely to her breast, in dread of servile insurrection." Sir, it is all a flourish. There may be nervous men and timid women, whose imaginations are haunted with unwonted fears, among us, as there are in all communities on earth; but in no part of the world have men of ordinary firmness less fear of danger from their operatives than we have. The fires which in a few years have desolated Normandy and Anjou, the great machine burning in the heart of England, the bloody and eternal struggles of the Irish Catholics, and the mobs which for some years past have figured in the northern States, burning convents, tearing down houses, spreading dismay and ruin through their cities, and even taking life, are appropriate illustrations of the peace and security of a community whose laborers are all free. On the other hand, during the two hundred years that slavery has existed in this country, there has, I believe, been but one serious insurrection, and that one very limited in its extent.

The appeal, however, to our interest, is that which might appear to promise much success; for whatever it is the interest of a community to do, that (sooner or later) it will be sure to do. If you will look over the world, you will find that in all those countries where slavery has been found unprofitable, it has been abolished. In northern latitudes, where no great agricultural staple is produced, and where care, skill, and a close economy, enter largely into the elements of production, free labor has been found more valuable than that of slaves. You will there find labor usually exercised in small combinations, under the immediate eye of a watchful and frugal master. I speak more particularly of those who cultivate the soil; but the large masses of mechanical operatives who are brought together form no exception to the principle. They are classified. There is an accurate division of their labor; each branch of it requires peculiar art, and, in the higher departments, a degree of skill must be attained, to produce which, stronger stimulants are necessary than can be ordinarily applied to slaves.

In such countries the dominant classes have also found it to their advantage to permit each individual to accumulate for himself, and to deprive him of a portion of his earnings, sufficient for their purposes, through the operations of the Government. Hence the partial emancipation of the serfs of the continent of Europe; hence the abandonment of villeinage in England; and hence the emancipation of slaves in the free States of this Union. But in southern latitudes, where great agricultural staples are produced, and where not only a large combination of labor under the direction of one head is required, but it is also necessary that the connexion between the operatives and that head should be absolute and indissoluble, domestic slavery is indispensable. To such a country it is as natural as the clime itself—as the birds and beasts to which that climate is congenial. The camel loves the desert; the reindeer seeks everlasting snows; the wild fowl gather to the waters; and the eagle wings his flight above the mountains. It is equally the order of Providence that slavery should exist among a planting people, beneath a southern sun. There the laborer must become a fixture of the soil. His task is not from day to day, nor from month to month; but from season to season, and from year to year. He must be there to clear, to break, to plant, to till, to gather, to fallow, and to clear again; and he must be kept there by a never-ceasing, unavoidable, and irresistible force. The system of "strikes," so universally practised in all other kinds of labor, would desolate a planting country in five years. If, in the heat of the crop, when the loss of one or two days even may irreparably ruin it, the laborers were to abandon the fields and demand higher wages, the owner would have no other alternative than to say to them, "work, and take enough to satisfy yourselves"—which would, of course, be all. Sir, it is not the interest of the planters of the South to emancipate their slaves, and it never can be shown to be so.

Slavery is said to be an evil; that it impoverishes the people, and destroys their morals. If it be an evil, it is one to us alone, and we are contented with it—why should others interfere? But it is no evil. On the contrary, I believe it to be the greatest of all the great blessings which a kind Providence has bestowed upon our glorious region. For without it, our fertile soil and our fructifying climate would have been given to us in vain. And as to its impoverishing and demoralizing influence, the simple and irresistible answer to that is, that the history of the short period during which we have enjoyed it has rendered our southern country proverbial for its wealth, its genius, and its manners.

Failing, as the abolitionists must do, in every appeal to the slaveholder, let us see with what probability of success they can call upon the Government to emancipate our negroes. There are about 2,300,000 slaves at this moment in the United States, and their annual increase is about 60,000. Sir, even the British Government did not dare to emancipate the slaves of its enslaved West India subjects without some compensation. They gave them about sixty per cent. of their value. It could scarcely be expected that this Government would undertake to free our slaves without paying for them. Their value, at $400, average, (and they are now worth more than that,) would amount to upwards of nine hundred millions. The value of their annual increase, alone, is twenty-four millions of dollars; so that to free them in one hundred years, without the expense of taking them from the country, would require an annual appropriation of between thirty-three and thirty-four millions of dollars. The thing is physically impossible.

But it is impossible for another reason: the moment this House undertakes to legislate upon this subject, it dissolves the Union. Should it be my fortune to have a seat upon this floor, I will abandon it the instant the first decisive step is taken, looking towards legislation on this subject. I will go home to preach, and if I can, to practise, disunion, and civil war, if needs be. A revolution must ensue, and this republic sink in blood.

The only remaining chance for the abolitionists to succeed in their nefarious schemes will be by appealing to the slaves themselves; and, say what they will, this is the great object at which they aim. For this are all their meetings, publications, lectures, and missions; to excite a servile insurrection, and, in the language of the miscreant Thompson, to "teach the slave to cut his master's throat." This will be no easy task. Sir, it is

a proverb, that no human being is perfectly contented with his lot, and it may be true that some strolling emissary may extract, occasionally, complaints from southern slaves, and spread them before the world. But such instances are rare. As a class, I say it boldly, there is not a happier, more contended race upon the face of the earth. I have been born and brought up in the midst of them, and, so far as my knowledge and experience extend, I should say they have every reason to be happy. Lightly tasked, well clothed, well fed—far better than the free laborers of any country in the world, our own and those perhaps of the other States of this confederacy alone excepted--their lives and persons protected by the law, all their sufferings alleviated by the kindest and most interested care, and their domestic affections cherished and maintained, at least so far as I have known, with conscientious delicacy.

A gentleman from Massachusetts [Mr. ADAMS] has introduced upon this floor the abolition cant of wives and husbands, parents and children, torn from each other's arms, and separated forever. Such scenes but rarely, very rarely, happen. I do not believe such separations are near so common among slaves, as divorces are among white persons, where they can be with much facility obtained. I am very sure that children and parents do not so often part as, in the ordinary course of emigration in this country, they do among the freest and proudest of our land. Sir, our slaves are a peaceful, kind-hearted, and affectionate race; satisfied with their lot, happy in their comforts, and devoted to their masters. It will be no easy thing to seduce them from their fidelity. But if, by an artful and delusive appeal to his excited passions, the abolitionist should succeed in drawing the slave into his fiendish purposes, our never-sleeping watchfulness would speedily detect every conspiracy that might be formed. Our habits in this respect have become a second instinct. Our vigilance is as prompt and personal as our courage--as faithful a guardian, and not more troublesome. It does not arise from fear, but from the fact that we ourselves, to a great extent, constitute our own police, and, in guarding against minor evils, will not fail to discover every danger of great magnitude. Such has been and such will always be the case. Every insurrection which has yet been meditated—and there have been but very few--when not discovered by some faithful slave, has been soon discovered by the whites, the unfortunate occurrence at Southampton only excepted--if that can be called an insurrection which was the bloody outbreaking of six drunken wretches.

Sir, I believe that every appeal to the slave to assist, through the horrid process of burning and assassination, in his own emancipation, much as it is (in secret at least) cherished, will be without success. I feel firmly convinced that, under any circumstances, and by any means, emancipation, gradual or immediate, is impossible. We may be disturbed in our comforts, harassed, injured, perhaps some partial sufferings may be the consequences of their mad and savage projects; but slavery can never be abolished. The doom of Ham has been branded on the form and features of his African descendants. The hand of fate has united his color and his destiny. Man cannot separate what God hath joined.

But, Mr. Speaker, admitting for a moment that the abolitionist could accomplish all his objects. Suppose the bonds of the slave were broken peacefully, and he was turned loose to choose his life and occupation on the face of the earth, what would probably be his actual state? Sir, we have some experience on this subject. I hold in my hand a paper containing an account of the situation of a colony of free blacks in Brown county, in Ohio, which I ask permission for the Clerk to read. (*d*)

Such, sir, are the blessed fruits of abolition; and to make such miserable and degraded wretches as these are we called on to give up our happy, industrious, and useful slaves—to strike out of existence nine hundred millions of active and inestimable capital, and impoverish and desolate the fairest region of the globe. But it is said that this is the dark side of the picture, and that emancipation, "gradual emancipation," would produce far better consequences. Although I am perfectly satisfied that no human process can elevate the black man to an equality with the white--admitting that it could be done—are we prepared for the consequences which then must follow? Are the people of the North prepared to restore to them two fifths of their rights of voters, and place their political power on an equality with their own? Are we prepared to see them mingling in our legislation? Is any portion of this country prepared to see them enter these halls and take their seats by our sides, in perfect equality with the white representatives of an Anglo-Saxon race—to see them fill that chair--to see them placed at the heads of your Departments; or to see, perhaps, some Othello, or Toussaint, or Boyer, gifted with genius and inspired by ambition, grasp the presidential wreath, and wield the destinies of this great republic? From such a picture I turn with irrepressible disgust.

But, sir, no such consequences as either of these views exhibit can take place with us. There is no such thing as gradual emancipation, even if we were to consent to it. Those who know the negro character cannot doubt, what the recent experiments in the West Indies fully prove, that the first step you take towards emancipation bursts at once and forever the fetters of the slave. In our country, where the two classes of population are so nearly equal, such a state of things as now exist in Jamaica would not last a day, an hour. Sir, any species of emancipation with us would be followed instantly by civil war between the whites and blacks. A bloody, exterminating war, the result of which could not be doubtful, although it would be accompanied with horrors such as history has not recorded. The blacks would be annihilated, or once more subjugated and reduced to slavery. Such a catastrophe would be inevitable.

Permit me now, sir, for a moment to look into the causes of this vast and dangerous excitement; for it is intimately connected with the true merits of this important question. I am not disposed to attribute it to any peculiar feelings of hostility entertained by the North against the South, arising from position merely. It is indeed natural that a people not owning slaves should entertain a strong aversion to domestic servitude. It is natural that the descendants of the Puritans, without any deep investigation of the subject, should have an instinctive hostility to slavery in every shape. It is natural that foreigners--with whom the North is crowded, just released themselves from bondage, extravagant in their notions of the freedom of our institutions, and profoundly ignorant of the principles on which society and government are organized--should view with horror the condition of the southern operatives. And here let me say that these opinions, so natural, so strong, and so distinctly marking the geographical divisions of our country, indicate differences which, if pushed much further, will inevitably separate us into two nations. A separation which I should regard as a calamity to the whole human race, and which we of the South will endeavor to avert by every means save the sacrifice of our liberties, or the subversion of our domestic institutions.

But other causes are at work. This excitement belongs to the spirit of the age. Every close observer must perceive that we are approaching, if we have not already reached, a new era in civilization. The man of the nineteenth century is not the man of the seventeenth, and widely different from him of the eighteenth. Within the last sixty years there have been greater changes--

not on the face of the earth, but in the history of civilized man—than has taken place before perhaps since the reign of Charlemagne. The progress and the philosophy of the events which have brought us to this state may be readily perceived and stated. Formerly all learning was confined to the clergy—all political power to the hereditary rulers of the people. The invention of printing dispensed knowledge among the middle classes. The clergy could no longer absorb it all. The first effect of this was the destruction of ecclesiastical despotism, which was consummated by the reformation. The next, a war of intelligence against political oppression; but the glittering temptations of power seduced it from its purposes, allured it to its assistance, and used its energies to rivet more closely their chains upon the people. At length, Government could no longer absorb all the talents and acquirements and ambition of the world. Then the effects of the contest began to show themselves. The tremendous conflicts for political ascendancy which took place in the British Parliament during the reign of George the Second were followed by the American Revolution, which was produced by the great intellects of this country, whom Government could neither conciliate to its abuses, nor purchase, nor intimidate. Next came that terrible tragedy, the French Revolution, which was confessedly brought about by the writings of the great philosophers of France. Since that period, man appears no longer to be the being that he was. His moral nature seems to have been changed, as by some sudden revelation from the lips of the Almighty, although the close observer sees that the great cause which had been so long and so silently, but surely working to effect this purpose, was the wide increase of knowledge. Bursting from the trammels of centuries of ignorance, he has been pressing onward, for good and for evil, with an energy tremendous and terrific. All nature has felt the impulse. The thin air has been converted into a resistless power. Steam, whose every definition was a useless vapor, has been made the most tremendous engine which has ever yet been placed in human hands—overcoming, in its infancy, time, space, and resistance, with a celerity and ease just not supernatural. Railroads have been thrown over swamps, rivers, lakes, and mountains, which, connecting new and distant points, open vast channels for intercourse and commerce. Labor-saving machinery of every kind has been incalculably improved: much of it perfected. In one word, we have reached a period when physical impossibilities are no longer spoken of. What was visionary yesterday, is planned, estimated, and resolved upon, to-day; to-morrow it is put in execution, and the third day superseded by something more wonderful and more important still.

During the period of this mighty change, the great struggle between the rulers and the ruled has been carried on with corresponding vigor: through the thousand channels which genius has opened, wealth has flown in to aid it in its contest with the strong arm of power. The two combined, finding themselves still unable to cope with the time-hardened strength of hereditary government, and eager, impatient, almost frenzied, to achieve its conquest, have called in to their assistance another ally—the people: not the "people," as we have hitherto been accustomed in this country to define that term, but the mob—the *sans-culottes*. Proclaiming as their watchword that immortal but now prostituted sentiment, "that all men are born free and equal," they have rallied to their standard the ignorant, uneducated, semi-barbarous mass which swarms and starves upon the face of Europe! Unnatural and debasing union! Hereditary institutions are gone. Already have the nobility of France been overthrown. Their days are numbered in the British empire. Let them go. I am not their advocate. What next? Confiscation has begun! The result is as obvious as if it were written on the wall. The hounds of Acteon turned upon their master. Genius and wealth, stimulated by "an ambition that o'erleaps itself," have called these spirits from the vasty deep; they will down no more. The spoils of victory are theirs, and they will gorge and batten on them.

In this country we have no hereditary institutions to attract the first fury of this tempest, which is also brewing here, for the electric fluid has crossed the ocean, and the elements denote that it is expanding over the northern arch of our horizon. The question of emancipation, which in Europe is only a collateral issue, a mere ramification of the great controversy between hereditary power and ultimate agrarianism, has become with us the first and most important question; partly because the levellers here have not yet felt the heavy pressure of political oppression, and partly because they have regarded our institutions of slavery as most assimilated to an aristocracy. In this they are right. I accept the term. It is a government of the best. Combining all the advantages, and possessing but few of the disadvantages, of the aristocracy of the old world, without fostering to an unwarrantable extent the pride, the exclusiveness, the selfishness, the thirst for sway, the contempt for the rights of others, which distinguish the nobility of Europe, it gives us their education, their polish, their munificence, their high honor, their undaunted spirit. Slavery does indeed create an aristocracy—an aristocracy of talents, of virtue, of generosity and courage. In a slave country every freeman is an aristocrat. Be he rich or poor, if he does not possess a single slave, he has been born to all the natural advantages of the society in which he is placed, and all its honors lie open before him, inviting his genius and industry. Sir, I do firmly believe that domestic slavery, regulated as ours is, produces the highest toned, the purest, best organization of society that has ever existed on the face of the earth.

Against this institution war has been commenced. A crusade is proclaimed. The banner has been hoisted, and on it is inscribed that visionary and disastrous sentiment, "Equality to all mankind;" although there is no analogous equality in the moral or physical creation, in earth, air, or water—in this world, or in the world to come—if our religion be not altogether wrong! The *sans-culottes* are moving. On the banks of the Hudson, the Ohio, and the Susquehanna—on the hills, and in the vales, and along the "iron-bound coast" of immaculate New England—they are mustering their host and preparing for their ravages. Let them come! We will be ready. Standing on our institutions, which of themselves give us a strength almost impregnable, and rallying around them as one man, with the help of God I believe we shall be able to roll back the frantic tide to whence it came. But wo unto the men of substance in the North whose infatuation may impel them to join this fatal crusade. The blood-hounds they are setting upon us, successful or unsuccessful, will in due time come back from the chase; and come back to seize upon the accumulations of their industry, to overturn their altars, and desolate their households. Such, sir, is, in a few words, the true history, and such, I believe and trust, will be the issues of this extraordinary movement.

Mr. Speaker, I have touched on topics to-day which have not heretofore been broached within these walls. In thus departing from the usual silence of the South upon this subject, it may be thought that I have gone too far. But times have changed. They change before our eyes with the rapidity of thought. Painful as it is, the truth should now be told; for shortly it will speak itself, and in a voice of thunder. We cannot, in my judgment, avoid this danger longer, by closing our eyes upon it, and lulling our people into a false security.

Nor can we justify ourselves before the world for the course which we may be compelled to take in order to maintain our rights, without boldly declaring what those rights are, defining them, and showing that they are inestimable. All minor considerations must give way to effect those all-important objects. These have been my motives for the course I have taken here. I leave it to the rapidly approaching crisis to determine whether I am right or wrong.

Sir, if I were asked what it is, under existing circumstances, the South desire the North to do, I should say, "Pass laws in your different States, forbidding, by the severest penalties, the publication or circulation of such incendiary pamphlets as I have exhibited here to-day." This your Legislatures are fully competent to do, without infringing on freedom of speech, or freedom of the press. That freedom means well-regulated, legal freedom, and not unrestrained licentiousness. Have you not laws to punish libel and slander? If a citizen of the State of New York were to say of another citizen that he was a "land pirate," "a murderer," and a "manstealer," would he not be liable to an action of slander? If he were to write these things of him, or caricature him by infamous and disgusting pictorial representations, would he not be indictable for libel? What violation, then, of social or constitutional right would it be to extend the benefit of these same laws to us?

We ask nothing more than the recognition of a well-known principle of international law, a striking illustration of which has happened within the memory of many who now hear me. It will be recollected that, just before the war between France and England, which broke out in 1803, the English presses teemed with abuse of the First Consul. Bonaparte complained to the English ministers: they indicted Peltier, tried, and convicted him. The declaration of war only prevented him from receiving his punishment. If England, where there have been more battles fought for the liberty of speech and of the press than in any portion of the world, felt herself bound to indict a journalist for libelling her greatest enemy, the enemy of the whole human race, on the very eve of war with him, is it unreasonable to require you to extend the same justice to the grossly slandered and deeply injured people of the South; brethren as you call us of one great confederacy, devoted to the same great principles of constitutional liberty, and who have so often mingled our blood with yours on the same glorious battle field?

Sir, I cannot believe gentlemen are sincere when they urge here this slang about the right of petition, and the freedom of speech and of the press, as though any one here had the remotest desire to curtail them. When Tappan, and Garrison, and Gerrit Smith, and such as they are, use this cant, I understand them; they wish to inflame the popular passions by false appeals to popular rights. But when such men as the gentlemen from Massachusetts, [Messrs. ADAMS and CUSHING,] and the gentleman from New York, [Mr. GRANGER,] who favored us the other day with eulogiums on certain abolitionists, introduce it on this floor, I do not--yes, I do--understand them. But I will not press that point, for I wish to connect this question with no political intrigues or discussions.

I will say frankly that I do not believe we shall be able to obtain the passage of such laws as I have alluded to in any non-slaveholding States. Sir, there is not a man of any note, or at least of any political aspiration, who will dare to make such a proposition. He would be prostrated, and forever. He would be covered with a mountain of public odium, under which he could never rise again. And I want no stronger evidence of the true state of public sentiment in those States than this single fact.

What, sir, does the South ask next? She asks—and this at least she has a right to demand—that these petitions be not received here and recorded on your journals. This House at least ought to be a sanctuary, into which no such topic should be allowed to enter. Representatives from every section of the republic ought to be permitted to come here faithfully to perform their duties to their constituents and their country, without being subjected to these incendiary attacks—their feelings insulted, their rights assaulted, and the falsest calumnies of themselves and those they represent thrown on them daily, and perpetuated to their posterity, and all the world, among the archives of the Union. Is this demanding any thing unreasonable, unjust, or unkind? Sir, we cannot endure it. If these things are to be permitted here, you drive us from your councils. Let the consequences rest on you.

But, Mr. Speaker, even if this House should refuse to receive these petitions, I am not one of those who permits himself to trust that the conflict will be at an end. No, sir, we shall still have to meet it elsewhere. We will meet it. It is our inevitable destiny to meet it, in whatever shape it comes, or to whatever extremity it may go. Our State Legislatures will have to pass laws regulating our police with a stricter hand. They will have to pass and to enforce laws prohibiting the circulation of incendiary pamphlets through the mail within their limits. We may have to adopt an entire non-intercourse with the free States; and finally, sir, we may have to dissolve this Union. From none of these measures can we shrink, as circumstances may make them necessary. Our last thought will be to give up our institutions. We were born and bred under them, and will maintain them or die in their defence. And I warn the abolitionists, ignorant, infatuated, barbarians as they are, that if chance shall throw any of them into our hands he may expect a felon's death. No human law, no human influence, can arrest his fate. The superhuman instinct of self-preservation, the indignant feelings of an outraged people, to whose hearth-stones he is seeking to carry death and desolation, pronounce his doom; and if we failed to accord it to him we should be unworthy of the forms we wear, unworthy of the beings whom it is our duty to protect, and we should merit and expect the indignation of offended Heaven.

NOTES.

(*a*) Address to the Auxiliaries and Friends of the American Anti-slavery Society.

Dear brethren: At the last annual meeting of the American Anti-slavery Society, it was

"*Resolved*, That an effort be made to raise $30,000 for the use of the society the present year, and that the abolitionists present pledge themselves to raise such sums as they may respectively offer."

Donations and pledges were immediately obtained, amounting to $14,500.

Additional pledges have since been obtained in Boston to the amount of $4,000. The sum of $11,500 remains to be raised. As there are known to be more than two hundred anti-slavery societies, on kindred principles with the American, we have no doubt that this sum can speedily be made up. Each society has only to raise $150, and the work is done. We believe that those societies which remain unpledged will joyfully come forward to do their proportion as soon as called on. * * * * * * *

The plan proposed at the annual meeting, and now adopted by the executive committee, in the confident belief that the means will be furnished, is this:

1. To increase the number of agents, by appointing

as many able, efficient, and thoroughgoing men as can be obtained.

2. To commence the distribution of publications on a new and extended scale.

The following publications will be issued monthly, viz:

1. On the first week of each month, a small folio paper, entitled Human Rights, to be filled with facts and arguments on the subject of slavery and its remedy, written in a plain and familiar style. Of this twenty thousand copies will be printed, to be increased to fifty thousand or more, as soon as arrangements can be made to have them promptly and judiciously distributed among the reading population.

2. On the second week, the Anti-slavery Record, a small magazine, with cuts, will be printed, to the number of 25,000 copies.

3. On the third week, the Emancipator will be printed, on a large imperial sheet, of the size of the New York Observer, or the New York Evangelist. This will contain more extended essays and descriptions, on points connected with the cause. It is expected that from 15 to 25,000 copies will be printed monthly this year.

4. On the fourth week will be issued 25,000 copies of the Slave's Friend, a juvenile magazine, with cuts, adapted especially for circulation among children and youth.

All these publications will be distributed gratuitously, by the aid of the auxiliaries, to those who are not abolitionists, or will be sold at the office, to friends of the cause, at a very low rate. * * *

The present is the time for action. * *

Let female societies be formed. Female societies probably did more for the abolition of slavery in Great Britain than those of the other sex. They scattered anti-slavery tracts, hand-bills, pamphlets, and books, every where. they circulated petitions; they covered articles of furniture or apparel, such as pincushions, work-boxes, handkerchiefs, boxes, baskets, purses, portfolios, &c., with devices and mottoes reminding the users of the poor slaves. They made the matter a topic of conversation on almost all occasions. Several societies of ladies, in this country, have already commenced the same course with good success. Let the female sex, then, throughout the land, emulate the efforts made by their sisters over the ocean, in this work of benevolence.

Juvenile societies, too, may be engaged in the same work. Children are all abolitionists. * *

We hope abolitionists will every where make it a personal business to distribute the publications; that they will not let them be thrown away, but put them in the hands only of those who will read and think. Let no abolitionist, at home or abroad, ever be without a supply, and be ready to embrace every favorable opportunity.

Petitions to Congress for the abolition of slavery in the District of Columbia should be put in circulation immediately. The minds of the members of Congress should, if possible, be enlightened as to the real design of the American Anti-slavery Society; and their prejudices should be removed, as in many it may easily be, by personal interviews with abolitionists. The way may thus be prepared for a more favorable hearing before the representatives of the people. * *

(Signed) Arther Tappan, William Goodell,
John Rankin, Abraham L. Cox,
Lewis Tappan, Theodore S. Wright,
Joshua Leavitt, Simeon S. Jocelyn,
Samuel E. Cornish, Elizar Wright, Jun.,

Executive Committee of the American Anti-slavery Society.

(*b*) There are now about half a million that still have the liberty of holding slaves; their slaves now amount to upwards of two millions; and their landed estates are of vast extent; they have entire control over eleven States. The poorer classes of the white people are well trained to subjection, and occupy a grade a little above that of the slaves. Few nobles in Europe can command so great a retinue of servants; and no King on earth possesses more absolute authority. Indeed, such is their dignity, wealth, and influence, that, although but a half a million, they are able to control twelve and a half millions, and do in fact govern the Union; and the plan is now laid to keep up and increase their dignity, wealth, and power, to future generations. They have managed so wisely as to get the whole Union bound by the constitution to keep their slaves in subjection, and allow them a representation in the General Government in proportion to the number of their slaves. The increase of these, already 54,000 a year, will soon give the increase to one Representative every year. By the aid of the rest of the Union, the slaves can be kept in subjection until they shall have become much more numerous than the white people, provided they are prevented from learning to read, and thus kept in total ignorance. And, for this purpose, laws are passed, with heavy penalties, against teaching slaves to read. Now, it is obvious that, by those means, slavery might be extended to remote posterity, especially with what assistance the Colonization Society might be able to give them, by carrying off occasionally a little of the surplusage. Every one can easily see that these southern gentlemen have before them a magnificent prospect of wealth and power, provided the rest of the Union will continue to be their humble servants in enabling them to keep their slaves in subjection. Now, the avowed design of the abolitionists is to abolish slavery, not, indeed, by force of arms, but by forming against it public opinion, which will be even more powerful. They have combined together to propagate the doctrine, that "all men are made of one blood;" and of course are "created equal." Vast sums of money are now pledged to propagate the sentiment throughout the whole land. Agents are lecturing, papers are circulating, societies are forming, and thousands continually joining them. It seems as if the world will soon be on fire. What is to be done? Argument has been tried and exhausted in vain! Mobs have been tried with little effect! The heresy spreads like fire in the whirlwind. The last remedy is now demanded—extermination entire--nothing less will do! If matters go on as they are, the result is obvious. Every man who does not hold slaves will set his face against slavery; and then, how will half a million of men continue to hold more than two millions in bondage? Mark the design! All force is disavowed; but then the slaveholder must, so soon as the tide of public opinion rolls against him, yield up his slaves. He cannot hold them without aid; much less can he bear the reproach that will be heaped upon him.

It is not to be disguised, sir, that war has broken out between the South and the North, not easily to be terminated. Political and commercial men, for their own purposes, are industriously striving to restore peace. But the peace which they may accomplish will be superficial and hollow. True and permanent peace can only be restored by removing the cause of the war--that is, slavery. It can never be established on any other terms. The sword now drawn will not be sheathed till victory, entire victory, is ours or theirs; not until that deep and damning stain is washed out from our nation, or the chains of slavery are riveted afresh where they now are, and on our necks also. It is idle, criminal, to speak of peace on any other terms.

(*c*) PREAMBLE.

Whereas, unconditional slavery exists to a fearful ex-

tent amongst us as a nation, in violation of those principles that moved our fathers to the dreadful struggle of the Revolution, "that all men are created equal, that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness."

Whereas the aristocracy of the South are determined to perpetuate it by means scarcely less dreadful than the tortures of the inquisition, and the bastard aristocracy of the North are aiding their "chivalrous" compeers of the South in their inhuman endeavors, by misrepresenting, slandering, threatening, and imprisoning, those who boldly espouse the cause of universal freedom, and further by circulating publications and making speeches so highly incendiary as to excite mobs, and impel them to their ruthless work of terror and destruction.

Whereas the crisis has arrived at which the descendants of the Pilgrims must determine whether they will establish the shameful and cowardly precedent of surrendering their most sacred rights at the nod of an arrogant, domineering, and self-constituted aristocracy, or, in the spirit of their fathers, manfully maintain them.

And whereas, if we remain silent and inactive, we effectually surrender those rights, and, with them, the hopes of the slave, till the prediction of Jefferson shall be realized, and the slave, fearless and free, shall till the land of his thraldom, enriched with the blood of his master.

Therefore, resolved, Under a deep sense of duty to ourselves, to the slave, to our country, and to God, that, "sink or swim, live or die, survive or perish," we will exercise the right of discussing the subject of slavery; that we will use all constitutional and peaceful means for its speedy termination; and, to act the more efficiently, form ourselves into a society, and adopt the following, &c.

(*d*) ABOLITION.

From the Cincinnati Gazette.

Some forty miles from Cincinnati, to the east, are two settlements of free negroes--probably near a thousand—men, women, and children, of the true ebony color, with a very little mixture of the mahogany or lighter shades. The negroes own the land occupied by them, but without the power to sell. Each family has a small farm. They are emancipated slaves, and these lands were purchased expressly for them, and parceled out among them about fifteen years ago.

Their lands are not of the best quality of Ohio lands; but, by good management, could be made very good; they are particularly well adapted to grass, either meadow or pasture.

Having been formerly slaves, and compelled to work, one would suppose they ought to have industrious habits. They have had every inducement to industry and good conduct held out to them. The experiment was to test the merits of the negro race, under the most favorable circumstances for success.

Has this experiment succeeded? No, it has not. In all Ohio, can any white settlement be found equally wretched, equally unproductive?

Farms given to them fifteen years ago, instead of being well improved, and the timber preserved for farming, have been sadly managed; small awkward clearings, and those not in grass, but exhausted and worn out in corn crops; the timber greatly destroyed; wretched log houses, with mud floors, with chimneys of mud and wood; with little timber for further farming.

They are so excessively lazy and stupid that the people of Georgetown, (near by their camps,) and the neighboring farmers, will not employ them as work hands to any extent. They do not raise produce enough on their own lands to feed their families, much less do they have a surplus for sale abroad. They pass most of their time in their little sorry cabins; too listless even to fiddle and dance. One may ride through the "negro camps," as they are called, passing a dozen straggling cabins with smoke issuing out of their ends, in the middle of clearings, without seeing a soul either at work or play. The fear of starvation makes them work the least possible quantity, while they are much too lazy to play.

Why do not the zealous abolitionists go there and see the experiment in all its beauty--the slave changed into a free, but wretched, savage! Why not make something of these thousand negroes? There are not more than two or three families, out of the whole, who are improved by the change from slavery to freedom.

The negro settlements are a dead weight upon Brown county, as to any productive benefit from the negro lands, or from negro labor; and that space of country might as well to this day have remained in possession of the Indians.

If southern wealth can be applied to buy and colonize among us such a worthless population, what farmer in Ohio is safe? Has he any guarantee that a black colony will not be established in his neighborhood?

Let any one who wishes to learn the operation of emancipated negroes, visit the Brown county camps. As they sink in laziness, poverty, and filth, they increase in numbers--their only produce is children. They want nothing but cowries to make them equal to the negroes of the Niger.

When Mr. HAMMOND concluded—

Mr. HOLSEY inquired what was the question before the House.

The CHAIR said it was the motion that the petition be received.

Mr. HOLSEY moved to lay that motion on the table, and it was agreed to.

Mr. WILLIAMS, of Kentucky, said, as the business of the House would be interrupted by the presentation of abolition petitions from the East, and the South and West be deprived of an opportunity of presenting their petitions, he moved to suspend the rules for this day, for the purpose of moving that the order of presentation be reversed, and the call of the States commenced with Missouri, instead of Maine.

Mr. JONES, of Michigan, requested the gentleman to alter the motion so as to begin with the Territories, which were at the end of the list.

Mr. WILLIAMS modified his motion accordingly.

The question being taken, the rules were suspended: Yeas 115, nays 50.

Mr. WILLIAMS then made the motion indicated by him, and it was agreed to.

The CHAIR then called the States and Territories for petitions, commencing with Arkansas.

Mr. STORER presented the proceedings of a public meeting in Cincinnati, deprecating the course of the abolitionists; which he moved be received and read.

Mr. HAMMOND opposed the reception of the proceedings. He should object to any interference on this subject, whether in favor of or in opposition to the abolition of slavery.

Mr. WILLIAMS, of Kentucky, moved to lay the preliminary question of reception on the table; which was agreed to.

TREATY OF DANCING RABBIT CREEK.

Mr. CLAIBORNE, of Mississippi, said that he held in his hand two papers of some importance to the country generally. One was a memorial from certain Mingoes of the Choctaw nation, remaining in the limits of the State of Mississippi, praying a grant of unappropriated lands in lieu of those to which they say they were entitled under the 14th article of the treaty of Dancing

Rabbit creek, and of which they declare that they have been unjustly deprived.

The other was a memorial or remonstrance of a numerous and respectable portion of his constituents against the validity of these claims, denouncing the whole proceeding as fraudulent, and calling on Congress to protect them in their settlement and rights, and the country against the most stupendous fraud that was ever set on foot.

I will not now, sir, said he, pronounce any opinion on the validity of these claims. At a proper time, I shall consider it my duty and my privilege to do so. I understand that additional memorials and statements of facts are now being prepared on both sides, and will shortly be submitted. I wish the whole subject to go before the appropriate committee, and must respectfully ask the House not to prejudge the case. Let there be no *ex parte* statements, no wholesale denunciations of fraud. Let justice be done to all parties. It is a matter in which we feel a common interest. Whether we consider the magnitude of the claim, the respectability of the parties, or the deep absorbing interest felt in the State of Mississippi, the subject is alike worthy of a full and fair investigation. On one side are these Choctaw claimants, their agents, and assignees, citizens of different States, of every political party, and many of them gentlemen of the highest respectability, upon whose integrity heretofore not one shadow of suspicion has ever rested, and who come here, not shrinking from, but, as they say, seeking investigation. On the other side are many of the settlers of the State of Mississippi--a valuable class of men—entitled to the highest credit, and claiming justice at your hands. I acknowledge, sir, that I have but a limited acquaintance with the subject. I candidly confess, however, to the House that, if I have any prepossession, any prejudice, any conviction on the matter, it is against these claims. Whether just or unjust, if they be confirmed, the fairest portion of Mississippi will be desolated; the stability of property will be shaken; the tide of prosperity will be rolled back, and hundreds of my best constituents, the men who support their Government in peace, and fight its battles in war, will be driven from their homes to other and distant lands. Mr. C. said he could not contemplate such a result without the deepest regret, and he could not sanction any step going to produce it. But, sir, let the whole subject go to the Committee on Indian Affairs, a committee whose ability and experience, aided by its distinguished chairman, [Mr. John Bell,] furnished a guarantee to the House that the subject-matter will be ably and impartially investigated. Mr. C. hoped the memorials would be referred and printed.

Mr. VINTON moved that these memorials be referred to the Committee on Private Land Claims.

Mr. CLAIBORNE rejoined, and urged the propriety of the reference to the Committee on Indian Affairs.

The question was put, and the House decided to refer them to the Committee on Indian Affairs.

After the reception of a number of re solutions

The House adjourned.

Tuesday, February 2.

APPROPRIATION BILLS.

In pursuance of the order adopted on Tuesday last, the House proceeded to the consideration of the appropriation bills.

The CHAIR informed the House that all the above bills were before the Committee of the Whole, except the bill making appropriations, in part, for the support of Government for the year 1836, which was on the Speaker's table.

The latter bill was taken up, the question still being on the motion to recommit the bill, with instructions to adopt some uniform regulation in regard to mileage of members of Congress.

Mr. JOHNSON, of Tennessee, suggested that the bill had better be passed as it stood, and the regulation of the mileage made in a separate bill.

Mr. UNDERWOOD made some statements, showing that members, under the present system, were unequally compensated; some receiving more for mileage than others, who travel a greater distance. Some gentlemen, by charging according to a particular rule, received three or four hundred dollars more than other gentlemen living in the same vicinity. A direct line measured on the map, would be a uniform rule; and, if it did not afford a sufficient sum, ten per cent., or more, could be added to the sum.

Mr. JOHNSON expressed some doubt whether a regulation concerning mileage could be properly introduced into an appropriation bill for the present year, as the mileage for the present year was actually due.

After some explanations from Messrs. LANE and UNDERWOOD,

Mr. McKENNAN said he was glad that the gentleman from Kentucky had introduced this subject. If any abuses in the Government were to be corrected, this abuse of mileage charges ought to be corrected. There was no difficulty whatever of introducing a regulation on the subject in the appropriation bill, and he hoped the rule adopted would be that each member shall charge his mileage by the nearest mail route.

Mr. WARD said he would go as far as any man in the correction of abuses, but he did not think this bill the proper one for regulating the subject of mileage.

Mr. ADAMS made a few remarks, explanatory of the reasons which would induce him to vote for the motion.

Mr. HARDIN opposed the motion, and insisted that no better rule than the present could be adopted. Something must be confided to the honor of gentlemen, and it was not to be presumed that any gentleman would charge too much. The rule was, that members should charge their mileage by the route which they usually travelled, and those who came by the river thought themselves, and doubtless were, entitled to charge by the river route. He hoped the bill would pass as it was.

Mr. PEYTON remarked that he was in hopes that the motion of the gentleman from Kentucky [Mr. Underwood] would prevail. It had always struck him with astonishment that members of Congress were the only public servants who had no restraint imposed by law, but could put their hands into the Treasury and pay themselves at pleasure for their services. It amounts to this. What restraint is imposed by law? Cannot any member of Congress fix the rate of his mileage at whatever sum he may in his discretion think fit? Why should members of Congress alone be trusted with this unlimited discretion? Gentlemen say their honor is sufficient to restrain them! They are like other men. Their virtue is best preserved when least tempted. But let us see if this honorary obligation is sufficient to guard the Treasury against abuse. Tennessee, sir, you know, affords a striking instance that it is not. A Senator, who we may suppose understands the law of Congress as well as any other gentleman here or elsewhere, conceives it to be his duty to charge the river route, giving him about 200 dollars more than a gentleman now a Representative on this floor, who lives in the same city with him, receives for his mileage per session. Now, sir, no one who knows that honorable Senator as well as you do, will suppose that money had the slightest influence over him in giving the act of Congress the construction which he does; which is, that he shall receive two hundred dollars more for mileage than either of his colleagues, according

to distance, per session. He thinks the act of Congress, passed at a time when the Government mail stage route was the only route known or used, makes it obligatory on his conscience to charge the river route, whether he travels it or not. Yes, sir, this shows how an honest, well-meaning man, aiming to reach the spirit of the law, may differ with other gentlemen in the same situation. Sir, when the act of Congress regulating the mileage of members of Congress was passed, steamboats were not in use. The direct mail stage route was the only one in existence. But the improvements of the age present a more speedy and much cheaper mode of travelling. We can make our election; if we take the river route, which is the invention of a subsequent day to that in which the law of Congress was passed, we have the right to do so. It is cheaper, more speedy, and in every way more comfortable. But there is the same old direct mail route, which was the usual route at the time the act of Congress was passed. If we choose to take it, very well; if not, it is our own lookout, and should not increase our charge upon the Treasury. But, sir, the Tennessee Senator, to whom I have alluded, considers himself bound to charge the long route, even if he travels the short one. Yes, sir, he may take his seat in the same stage at the seat of Government with his colleague, travel every inch of the ground together, but when they charge for each mile that they have passed over, he is bound in conscience (for if he were not, he would not do it; it is a mere difference of opinion) to charge for all the meanders of the Ohio river, notwithstanding he has never touched its waters. This is a case in point to show that it is not safe to trust an unlimited discretion to the purest and the best. I hope the committee will be further instructed to report the amount which each member of Congress has received, for a sufficient number of years to show the abuses to which this discretion has been subject in past time.

Mr. GIDEON LEE opposed the recommitment of the bill, and urged its speedy passage, as a measure of justice to those to whom the money was due. The members of Congress were drawing their own pay, but no one else for whom payment was provided in the bill.

Mr. UNDERWOOD suggested that there would be no necessity for delaying the bill in case his motion was agreed to, as the committee could retain the subject of mileage for a separate bill, and send back the remaining portion of the bill.

Mr. MANN made a few remarks in favor of recommitment. He had found, from experience, that the only way to secure any promised reform of this kind was by holding on upon the money.

Mr. ANTHONY said that, when the present rule was adopted, it was contemplated that members could travel but twenty miles a day. And the fact was, that many gentlemen travelling from the far West were paid at the rate of two hundred miles a day, receiving not eight dollars a day, but eighty dollars a day for travel. The pay of members coming from the far West was thus made double the amount received by members coming from Pennsylvania. The present rule was not at all adapted to the modern improvements in the mode of travelling.

Mr. MERCER said he would vote for the motion, but not for the reasons given by the gentleman from Pennsylvania. Those who came from a great distance found their pay a poor compensation for the inconvenience of leaving their homes. But he was willing that a uniform rule for estimating the mileage should be adopted.

Mr. CAMBRELENG rose to beg the House, and the gentleman from Kentucky, to modify his motion, so as to refer his inquiry, not to the Committee of Ways and Means, but to a select committee. The subject, as it related to accounts, did not belong to that committee; and, moreover, that committee was pressed with other business.

Mr. ANTHONY moved to amend the instructions so as to require the committee to regulate and equalise the pay of the members.

Mr. HARPER supported the amendment of his colleague.

Mr. PATTON said it had happened every year since he had been a member of the House, that while the appropriation bills were under consideration, an attempt had been made to reduce the pay on mileage of members of Congress, and he had never known one of these attempts to succeed. He considered that members had acquired a right to be paid under an existing law. If an abuse existed under the law, Congress should alter the law. But the Committee of Ways and Means had nothing to do with the subject; it was their duty to report the sum which they may suppose to be wanted for different services. He suggested that no law could be made applicable to the mileage of the present session, because that had been drawn, and was snug in gentlemen's pockets.

After some further remarks from Messrs. DUNLAP, HANNEGAN, ANTHONY, and PEARCE of Rhode Island,

Without taking any question,

On motion of Mr. GRENNELL, the House adjourned.

WEDNESDAY, FEBRUARY 3.

EXECUTIVE PATRONAGE.

The bill from the Senate, "to repeal the first and second sections of the act limiting the term of certain offices to four years, and for other purposes," having been read twice by its title--

Mr. MANN moved that the bill be referred to the Committee on the Judiciary.

Mr. BELL said that no subject of greater importance than this would come before the House at the present session. None of the standing committees were peculiarly appropriate for the consideration of the subject, and he did not see that the Judiciary Committee was more appropriate than any other. It was a most singular fact, that this branch of Congress, by its rules, and the operation given to them by the decision of the Chair, sustained by the votes of the House, had become so restricted and tied down in its action, that it could not take up for consideration and discussion any great fundamental principles of the Government; no opportunity is ever afforded to bring forward propositions upon any important subject, in a distinct and separate form. This was entirely a new day in the history of the country. He was comparatively a young member, but there were members who had been here for fifteen or twenty years and more, and to them he appealed to say whether the House was ever before so bound down by rules as to prevent gentlemen from bringing forward, in the form of resolution, any important subject for discussion. But nothing could now be brought forward, because the House had blocked up the way, perhaps, for the whole session, by the adoption of the resolution reported from the Committee on Foreign Relations. The subject of executive patronage could not be brought forward, although it was connected with the best and most vital interests of the country, and with principles without which we should have neither constitution nor country of which an American could feel proud. With a view to ascertain whether there was a disposition on the part of the House to permit an investigation of this subject, he would move that the bill be referred to a select committee. Even if the majority of the committee appointed should be opposed to the principles of the bill, there would yet be an opportunity afforded to the minority of the committee to express their views on the subject of the bill. He did not know that he would support the bill in its present shape

or not, but he wished the subject of executive patronage, generally, brought before the House. He moved the reference of the bill to a select committee.

Mr. J. Q. ADAMS hoped, he said, that the motion of the gentleman from Tennessee would prevail; and he assured the House that nothing but the consideration that he had consumed much of the time of the House had prevented him from making the same proposition. We never had, and never would have, before us a more important subject. One of the newspapers, when the bill was introduced into the Senate, remarked that it was a bill to amend the constitution of the United States. He considered it a bill not to amend, but to alter, the constitution; and he trusted that discussion would be had upon it to a great extent, and that the decision upon it would be made with great deliberation. Whatever might be the impressions of gentlemen in regard to the policy of the bill, he hoped that, after its importance had been so forcibly represented by the gentleman from Tennessee, it would be referred to a select committee.

Mr. HAMER remarked that a great deal had been said in regard to the appropriate committee of the House for the investigation of the subject. If any gentleman would take the trouble to refer to the rules of the House, he would find that the bill ought to go to the standing Committee on the Judiciary. [Mr. H. here read the rule.] Did not the rule, he asked, propose to change laws long in existence? Where, then, should the subject be considered, if not in the Committee on the Judiciary? If gentlemen were extremely desirous of getting up a report of a partisan or political character on this subject, their purpose could be answered in another way. All they wished to say in a report could as well be said in a speech, and for making speeches opportunities occurred daily. He did not very well understand the frequent lectures upon rules which the House received of late, nor did he see how the gentleman could assert that no opportunity was afforded in the House for the discussion of great principles. This was very extraordinary. What had we done here but discuss great principles? After a session of eight or nine weeks, we had passed three acts, and two of those of a private nature. During the whole time we had been constantly engaged in discussing matters and things in general. Two or three general resolutions, admitting of a wide range of discussion, were pending now, and upon them two or three unfinished speeches were lying over. Day after day gentlemen were waiting to obtain the floor for the purpose of concluding these speeches; a blaze of light, pouring from this hall, illumined the whole country; and if the session, as was predicted, lasted till July, there would be scarcely a single constitutional question which was ever agitated in this country, that the readers of debates would not be fully enlightened upon. If the rules were wrong, let us (said he) change them. But, as long as they were in existence, they ought to be observed. According to these rules, the bill ought to be referred to the Committee on the Judiciary.

Mr. VANDERPOEL said that he had heard no good reason for a reference of this bill to a select committee. The honorable member from Massachusetts [Mr. ADAMS] had observed that this was a bill to change the constitution, and therefore he would vote to refer it to a select committee. Another honorable gentleman [Mr. BELL] had observed that it was a very important bill; it was one in which the people took great interest, and therefore it ought to go to a select committee, that a report might be speedily made, and gentlemen might have an opportunity of discussing this subject. Mr. V. said he hardly thought that the gentleman from Tennessee would hazard the assertion made by the gentleman from Massachusetts, that this was a bill to change the constitution. It originated in the Senate, and many gentlemen would doubtless deem it uncharitable to that body to say that they would, by means of a mere law, change the constitution. If it was not a proposition to change the constitution, it was only a proposition to change an existing law, and therefore belonged most appropriately to the Judiciary Committee. The mere importance of the subject, upon which the gentleman from Tennessee had dwelt with so much force, was certainly no reason for referring this bill to a select committee. The Judiciary Committee was surely one of the most important committees recognised by the rules of this House. It required great ability and learning, and its members were always selected, he supposed, in reference to their requisite talents and qualifications. He did not believe that select committees engrossed all the wisdom and capacity of the House, but was rather disposed to think that a body of gentlemen, who were permanent, and chosen for the investigation of great and interesting subjects, would be apt to be quite as select for their wisdom, in reference to the subjects that came within their province, as another body, which we dignified with the appellation of a "select committee." The gentleman from Tennessee had not ventured to say that the subject-matter of the bill did not most naturally belong to the Judiciary Committee; but it was an important subject, and *ipso facto*, in the opinion of that honorable gentleman, it ought to be referred to a select committee, This was to his (Mr. V's) mind a very unsatisfactory reason for a special reference. It was, he believed, a very important law, and one which proposed to secure to the incumbents of office a freehold title in offices.

Mr. V. said the honorable gentleman from Tennessee [Mr. BELL] had given the House another lecture about the mischiefs resulting from our rules, or from the administration of them. He did not understand the honorable gentleman to impute any blame to the presiding officer of the House, but the grievance of which he most complained was, that the discussion of no one important subject was finished, before another was obtruded upon our consideration. This was no new mischief. He (Mr. V.) had felt the annoying influence of it under former auspices, and very shortly after he became a member of this House. Two years ago he undertook to make a speech upon an important subject, and proceeded with his argument for about half an hour; when he gave way to a motion to adjourn. Next morning he resumed his seat, with notes in hand, to continue his argument, and, much to his annoyance, the subject was not again announced from the Chair till after the expiration of some weeks! And most of the gentlemen here would bear witness to the agony which resulted from being laden for whole weeks with a half-delivered speech. His past experience, therefore, enabled him to bear witness that the confusion in which the business of the House was involved, by means of our rules, was not unprecedented, and therefore it was not a fit subject of rebuke to the majority of this House. He did not know that the honorable gentleman intended to rebuke the majority, but he at least took good care to remind them very often of the evils of their rules.

The honorable gentleman from Tennessee seemed to think that it was vitally important to the people that this and other subjects of importance, to which he had adverted, should be here discussed. He (Mr. V.) had not, for some time past, so far as the enlightening of the people was concerned, been in the habit of attaching quite as much importance to speeches made here, and in the other end of the Capitol, as was ascribed to them by many other gentlemen. He did not believe that this was the fountain—the source of all light for the people. No; he believed that the people of this country had wis-

dom enough to understand their political rights and interests, and independence enough to assert and vindicate them; and if gentlemen here would more frequently yield to, or profit by, the lessons which the people taught them, they would be more apt to perpetuate the confidence, and subserve the interest, of the people. But, if gentlemen wanted to make speeches to enlighten the people, they could as well perform that duty after the report of a standing committee as after the report of a select committee. They might make their two hours' speech, print it in the Globe or "Sun," and thus illuminate the benighted people. The argument of the honorable gentleman [Mr. BELL] in favor of a select committee, because of the facility that might be afforded to make speeches, was as unsound as the argument that it ought to be referred to a select committee on account of its importance.

Mr. BELL said that it was because speeches of this nature were not thought calculated, by the gentleman and his friends, to enlighten the people, that he complained of the operation of the rules, which restricted the discussions to such subjects as those who control the business of the House thought proper for discussion. A member could not present his views on this subject without being called to order, and arrested in his remarks by a majority of the House. All discussions were shut out unless they were approved by a majority of the House, and such as were calculated to enlighten the people upon one side of the question only. Petitions, for the last three mornings, had cut off one of those resolutions upon which the gentleman said we could have the opportunity of general discussion. This was the result of a new construction of the rules of the House. The gentleman from Ohio, he said, was hardly candid in saying that an opportunity was afforded for discussion by these resolutions. The gentleman had certainly the sagacity to perceive that his friends had burned their fingers when they agreed to consider the resolution of the gentleman from Massachusetts, [Mr. ADAMS.] Instead of affording an opportunity for the discussion of that resolution, great pains had been taken by the gentleman's friends to cut it off. When the gentleman from Virginia [Mr. MASON] brought forward his resolution to bind the House to the consideration of the appropriation bills from the precise hour of one o'clock each day, he saw plainly that it was intended to seal the lips of all those who wished to take part in the discussion of that subject. The abolition resolutions had slept so long that those who took most interest in them had forgotten them. The same was the case with the resolution on the Military Academy. He was sorry to allude to any political interests in this House, but he must remark that neither of these resolutions appeared to be favorite subjects with the majority of the House. The gentleman could not be sincere in saying that an opportunity was afforded by these resolutions to enlighten the people by discussions on general subjects. The gentleman intimates (said Mr. B.) that I want an opportunity to make a party report. That gentleman has known me, as a member of this House, for some time, and he never knew an instance in which I acted as a partisan on this floor. I defy him to point to a single act of mine which can justify the imputation.

[Mr. HAMER explained. The gentleman having alluded to majorities and minorities, he had only intended to indicate a mode in which the minority could present their views.]

Mr. BELL was obliged to the gentleman, he said, for his explanation, but it appeared strange to him that it was taken for granted that no speech could be made here but with immediate relation to the prospects of men for office. Was it supposed, in 1826, that the subject of Government patronage was exclusively a partisan or political subject? We had passed through a great revolution, indeed, if the friends of this administration had become champions of executive power and patronage. Times had changed, and men had changed with them. The importance of the subject was not the only reason which he had urged in favor of the reference of the bill to a select committee. On parliamentary principles, a committee ought to be allowed for the bill which was composed of members favorable to its object, but, according to the parliamentary law of the Congress of the United States, the lamb is always committed to the wolf. His object in desiring a select committee was to bring the subject before a committee which would direct its attention exclusively to the subject, and make an early report upon it. That was the only way in which the subject could be brought before the House for discussion. He did not know that even a minority of the committee appointed would be in favor of the bill, and present a report of their views on the subject. He believed that the best mode of enlightening the people on public topics was by discussion here—by open, free, manly, discussion on this floor. When gentlemen meet here face to face in debate, error will be exposed, and fallacy detected. It was far preferable to the light which issues from editorial columns of a party press, which presents only one side of a question. Here both sides are heard. He should continue his lectures on the rules of this House, but always in a spirit of courtesy to the House, and, in defiance of the taunts of gentlemen, should point out the practical purposes which they were made to serve. Sir, free discussion exists no longer on this floor. How happened it that the Senate had become the popular branch of the National Legislature? It was because every Senator had an opportunity to speak on any great subject which he might choose to introduce in that body. He should continue, from day to day, to complain of the rules of this House, and of the operation given to them, so long as they tended to defeat the object and end of the popular branch of the National Legislature. He regarded the subject of executive patronage a great one, and one which ought to be fully and freely discussed in this House, and his object was to bring it before the House in such a shape that it could be discussed untrammelled by rules. He did not know that he approved of this bill as it stood; he had no party feeling in regard to it; but he invoked discussion upon the subject as one of the greatest importance to the welfare of this country.

Mr. MANN explained that he had made the motion to refer the bill to the Committee on the Judiciary, because he believed that to be the proper course, and he saw no reason to deviate from that course, unless there was some great principle that could be brought to bear against the propriety of doing so. He agreed that the subject was one of the highest importance, and one that required the most deliberate examination. But it was not a new proposition, for it was as early as the first Congress. Mr. M. had heard no reason why the usual course should be departed from. The gentleman from Tennessee had manifested a very commendable zeal in regard to the business of the House, and told them that times had changed, strangely changed. Mr. M. would ask, was it not rather a change of the gentleman than a change of the times? With regard to the complaints made about the rules of the House, he could not perceive its application to the present question of referring this bill to a standing committee. Mr. M. had, as the principal organ of the committee of the House on the subject of the rules, made a report thereon, and had proposed to call it up; but he had as yet been unable to do so. If he waited till it became the regular order, he feared the report would not be considered during the present session; and, for the purpose of endeavoring to

discharge his duty, he would ask the House to take it up every day, from that day henceforward, until a decided manifestation of the House rejected his motion. Mr. M. complained of the disingenuous imputation cast upon the majority by the gentleman from Tennessee, of wishing to evade the question.

Mr. BELL remarked that principles never changed, though men did. Principles were of all times, and no change of circumstances altered them. If those who supported the principles of 1826 now opposed them, it was a proof that men had changed. When he should have an opportunity to enter upon the discussion of this subject, he would endeavor to show who had changed.

Mr. MANN replied that it was true that principles did not change, but men changed their principles.

Mr. MERCER inquired in what length of time the Committee on the Judiciary would probably be able to report on the subject, if the bill should be committed to them.

Mr. THOMAS felt great difficulty, he said, in saying whether the bill ought to be referred to the Committee on the Judiciary or not. In reply to the gentleman's question, he would remark that the Committee on the Judiciary was closely engaged upon several very laborious subjects—the Ohio and Michigan boundary question; the judicial circuit court system of the southwestern States, and other bills. He supposed, however, that the House would not be able to take up the subject of this bill for at least ninety days, and by that time, or before, he presumed that the committee would be prepared to make their report. Speaking for himself, he had very little ambition to take charge of the subject.

Mr. INGERSOLL made some remarks on the constitution of the Committee on the Judiciary, with a view to show that the bill in question did not come within the scope of their duties.

Mr. SUTHERLAND contended that, inasmuch as the bill involved legal and constitutional questions, the Judiciary was the committee to which it ought to be referred. He referred to the rule relative to the reference of subjects to committees. There would, he said, always be differences of opinion, as long as we were a nation, and it was proper that it should be so. What was the advantage proposed to be gained by referring the subject to a select committee? Why, that a select committee would sooner be able to make a report. And from whom were the select committee to be chosen? The first would be the gentleman himself, and he was the chairman of a standing committee. The chairman of the Judiciary Committee would be the next, for this large subject required all the legal intellect of the country; then it would be requisite to take all the legal light that the House could afford, and the making of this committee would be the breaking up of several of the other committees. He was against it. The Judiciary Committee would make its report; the subject would be discussed in the House and through the newspapers; the country would have the whole of it before them. But if it were referred to a select committee, part of this committee must necessarily be selected from each side, and the result would be two reports. He was in favor of discussing it in the House, to see if it were in the power of the House to alter the constitution, if such alteration were wanted. If it was a great constitutional question, to whom should it be sent? To a select committee? No; let it be sent to the Judiciary Committee, who had been selected on account of their legal knowledge, and let them examine whether it infringes upon the constitution. When it came back, let the result be laid fairly before the people, and let them decide. If (said Mr. S.) we cannot sustain it by reason, we ought not to attempt to carry it by power. Nothing can be gained by a select committee, unless it could compel us to take it up in the House. The House will not take it up till it is ready; and there are other matters of greater importance before the House than whether John Doe or Richard Roe shall hold office in the country.

Mr. PHILLIPS acquiesced in much that had been said by the honorable gentleman from Pennsylvania, [Mr. Sutherland,] and, if he was persuaded that the subject was a proper one for judicial counsel, would concur with him in its reference. But this bill contemplated a great variety of officers. Suppose the bill related to officers of the customs alone, would it not be referred to the Committee on Commerce? But, as the bill was general in its character, embracing all the officers of the Government, there was no particular propriety in referring it to any standing committee. If it was a question of which lawyers only could judge, then it would be proper to refer it to the Judiciary Committee; but as it was a bill relating to all officers, it became a case which required a select committee. It ought to be an able committee, having the advantage of the best talent in the House. If it be a practical question, give it the benefit of a practical man; and so far as it may be a legal question, let it have the advantage of legal acquirement. He was not satisfied that it was a party question, and he expected to see parties divided upon it. He himself acknowledged no party obligations on the question.

Mr. HAMER did not wish to prevent the gentleman from Tennessee from discussing any question, and hoped his course had not been such as to prevent him or any other gentleman from discussing the question. He would ask if it was kind in him to talk of majorities and minorities, and executive patronage, and, when other gentlemen make similar remarks, to complain of it? If gentlemen would complain that they were not allowed to speak, had they a right to complain if they were replied to? It was not to be supposed by the gentleman, or by him, that the House had no political feeling. If he suspected that the majority were guided by partisan principles, was it not natural that those of the majority should suspect the minority of the same? It all amounts to a declaration by each that he is following out the measures which he supposes to be the best for the country. He was against referring this bill to a select committee. He apprehended that the gentleman from Tennessee was mistaken in supposing that it was the custom of the British Parliament to refer all propositions to committees which are in favor of them. The rule might be on their books, but it was not put in practice.

Mr. McKIM moved the previous question, and the tellers were engaged in ascertaining whether there was a second; when

The CHAIR informed the House that the main question would be on the third reading of the bill, and not on the motion to commit to the Committee on the Judiciary.

Mr. McKIM then withdrew the motion for the previous question.

After some remarks from Messrs. MERCER and THOMAS,

Mr. BELL declared that he was not instigated by any party views, and that it was of importance that members should not broach the subject of executive patronage as a party question. The interest of the country required that the House should consider the subject, uninfluenced by party feelings. The gentleman from Ohio denied that it was the practice of the British Parliament to refer subjects to committees which were willing to report. He said that the rule appeared on their books, but was not adopted in practice. Well, then, (said Mr. B.,) still they go before us, for they acknowledge the right.

Mr. ROBERTSON had risen, he said, solely for the

purpose to state a fact which would induce him to vote against the reference of the bill to the Judiciary Committee. It had already been stated that several important subjects were now before that committee, including the Ohio and Michigan controversy, and the southwestern circuit bill. The chairman would also bear him out in stating that, after a discussion before the committee, the meeting was adjourned for one week, and they would then meet for the purpose of acting on a large mass of unfinished business, which had accumulated upon them during the session. Under these circumstances, he felt justified in saying that the committee could not give early attention to the subject. As a member of that committee, he had no desire to shrink from the performance of any duty, but the committee had already as much business as they could attend to for some time to come.

Mr. PEARCE, of Rhode Island, said that, from the title of the bill, he could not tell what the Senate had in view; but it was a bill which had passed in that branch of the Legislature last year, and had failed in this. The bill (said Mr. P.) required us to retrace our steps, and alter rules which were coeval with the formation of the constitution. It interfered with the rights of the Executive, and altered the form of the Government.

[The SPEAKER said that it was not in order to discuss the merits of the bill on a question as to its reference.]

Mr. P. said it was his object to show that he considered it to be a bill which involved constitutional questions. As he understood the rules, if there was one committee more proper than another to which to refer the consideration of the present subject, it was the Committee on the Judiciary, whose province it was to consider and to report on propositions of this nature. The President of the United States was required to execute the laws of the United States. He could not do it in person, but must do it by and with the assistance of others; and when he sends a notice of an appointment to the Senate, this bill required him to say why he selected A, B, or C.

[The SPEAKER reminded the gentleman that he was going into the main question.]

Mr. P. continued his remarks in favor of the reference of the bill to the Committee on the Judiciary.

Mr. J. Q. ADAMS said that, as the yeas and nays had been called, and he should vote against referring the subject to the Committee on the Judiciary, he wished to assign his reason for so doing. It was not from any want of confidence in that committee, but because he was of opinion that the subject-matter of the bill ought to be referred to a select committee. This proposition, under the form of a bill, was, in fact, a proposition for altering the constitution, as it was first formed, in what he considered one of its most vital parts. The constitution placed the executive power in the President of the United States--

[The SPEAKER called Mr. A. to order. He was discussing the merits of the bill, which was not the subject before the House.]

Mr. ADAMS continued. One ground on which he objected to referring this bill to the Committee on the Judiciary, and preferred a select committee, was, that the bill involved a question relative to the constitution; and questions of this nature were subjects for a special committee, and not for a standing committee. On that ground he should vote for its reference to a select committee. The subject required profound knowledge, not only of the constitution of the United States, but also of the history of the country, and of the practice since the constitution was formed; and a report ought to be made to the House, exhibiting all these particulars. Such a report could not be made out in sixty or ninety days; and if the gentleman from Maryland had said that the committee could make a report in ninety days, he should have said that he had not taken time enough, even if the committee was unencumbered with other business.

Mr. PEYTON, of Tennessee, expressed the hope that the bill would not be referred to the Committee on the Judiciary. That committee, (said Mr. P.,) to which he had the honor to belong, is at this time burdened with more important business than any other committee, perhaps, of this House—more than it can dispose of in any reasonable time. We have the important and exciting question of the Ohio and Michigan boundary—a question which has been argued before us at great length, and with distinguished ability, by the gentlemen representing those who feel so deep and lively an interest in the question. Sir, up to our last meeting, we had not even began to form an opinion upon this solitary question, because we had not fully heard the argument. There are other subjects of perhaps equal importance before that committee, untouched, unacted upon—the constitution of Michigan, and the bill to revise the Judiciary. The whole time of the committee has been consumed on the first of these important subjects, to the exclusion of all other matters. Business of a less important character has been accumulating upon the table of that committee. At our last meeting a large distribution of such cases was made. Sir, I have not the most distant hope, if the bill be referred to that committee—notwithstanding the industry, talents, and information, which I know my colleagues to possess, and have devoted, and will continue to devote, to all business intrusted to them—that a report can be expected during this session of Congress. It will be impossible. If the House wishes action upon this important bill, then let it not be referred to that committee. But if the object of gentlemen be to give it a *quietus*, and send it to sleep—if not so long as Rip Van Winkle slept, yet for a time, for a purpose, during this session of Congress—they cannot do better than send it to the Judiciary Committee.

With regard to the principles of this bill, sir, I would remark, that they were once popular with the party to which I belong, if that party has yet an existence! It is fast merging into *the party!* The gentleman from Massachusetts [Mr. J. Q. ADAMS] doubtless well recollects what were these principles in 1826, and what were the feelings of our party at that day. He, sir, is consistent, perfectly consistent. He was then, as now, opposed to the principles of this bill. But the gentleman from Massachusetts has given his friends—I mean, sir, his new friends, for that gentleman is now decidedly the leader of the party in this House—he has given his new friends a dreadful thrust. He has told them that this bill proposes an amendment, no, not an amendment, but an alteration of the constitution of the United States—a curtailing the Executive of his constitutional and necessary powers. Yes, sir, and they submit in silence, are dumb under the rebuke. Whose measure is this? Who is the father of this bill? A distinguished Senator from Missouri [Mr. BENTON] reported it. Another distinguished Senator from Tennessee [Judge WHITE] was on the committee, and concurred with him. But there was another distinguished Senator at that time, now one amongst, though not one of, the Senators, but fills a still higher station, and is aiming at one still a little higher, [Mr. VAN BUREN.] This gentleman was on the committee, and sanctioned and sustained this very bill in 1826. This was the popular measure of the party in 1826, ushered to the world under such auspices. I call upon gentlemen, if they have principle, and go for principle, to show it; I call upon them, if they have any pride of consistency, to say nothing about principle, to come forward and meet the gentleman, [Mr. ADAMS,] although he is the head and leader of *the party* in this House. Your pride, your

honor, your principles, your character for consistency, all call aloud upon you to meet him. Is it not the same bill of '26? Does it not contain the same provision of that bill; and will you hang your heads, and hear it denounced so broadly by the gentleman from Massachusetts, merely because he is now your leader? Remember its paternity. Who was the father of this bill? The Senator from Missouri, [Mr. BENTON;] and has he no friend here who will stand its godfather, and protect it? It is the very same bantling, in every feature. Yes, sir, *verbatim et literatim*, even to the dotting of the i's and the crossing of the t's, as my friend from Virginia [Mr. WISE] would say. Do you abandon it? Where are your principles? Poor off-cast. It has fallen into the hands of the gentleman from Massachusetts, [Mr. ADAMS,] and the gentleman from Rhode Island, [Mr. PEARCE,] who have always been opposed to it, and who denounce it in advance, and then send it off like a foundling to be smothered. I am opposed to this course, sir. I am glad that this question has been brought up. I wish to see tested the principles of the party. I wish to resort to the principles of the Jackson party, call them up, and see if there now exists enough of those principles to leaven the whole lump of the party. Yes, sir, I am glad to see this medicine prepared by our own party, our own leaders in 1826, presented again in 1836. He who refuses to take it, let him talk no more about his principles, about his consistency. This, sir, was the leading favorite measure of the Jackson party in 1826. Upon its principles we rallied, and carried the war to the gates, ay, even to the storming and entering the White House.

[Here the SPEAKER said the gentleman from Tennessee was taking too wide a range in his remarks. The merits of the bill cannot be discussed upon a motion to refer.]

Mr. PEYTON. I did not, Mr. Speaker, wish to transcend the rules of order. I am aware that any discussion of the merits of the bill would be out of order. I did not allude to the merits or demerits of the bill. I did not allude to any one of its provisions, except as a reply to the gentleman from Massachusetts, [Mr. ADAMS.] I do not propose to discuss the merits, but to state that the bill now under consideration is the same, the identical bill, in form, as well as substance, reported by the Senators from Missouri, [Mr. BENTON,] from Tennessee, [Mr. WHITE,] and the Senator from New York, [Mr. VAN BUREN,] in 1826; and to contend that what was principle in 1826 is principle in 1836; and to express a hope that gentlemen were willing to be tested by principle, and appeal to them, to the majority of this House, to make such a disposition of the bill as to have it brought before the House for its action at this session, and not to send it to a committee which would be unable to make a report upon it.

Mr. GLASCOCK said, sufficient for the day is the evil thereof. He had understood the Chair to say that the merits of the question could not be discussed, and regretted that charges, so broad in their character, had been made by the gentleman from Tennessee against the Judiciary Committee. The gentleman said that, in the event of the reference of the bill to the Committee on the Judiciary, it would there sleep, and be heard of no more—thereby intimating that the committee would shrink from the discharge of their duty.

Mr. PEYTON asked leave to explain. I thought (said Mr. P.) that no human being could possibly have misunderstood me; for I stated, distinctly, that it was on account of the great mass of business before the committee that it could not make a report; and to assert, or insinuate, that I said any thing else, is to do me great injustice; and for a gentleman who would so insinuate, I shall have as little respect as that gentleman seems to have for my remarks.

Mr. GLASCOCK continued. The gentleman would find him among the last to misrepresent him, and among the first to repel insinuations against the party to which it was his pride to be attached. If he had misrepresented the gentleman, it was in consequence of having misunderstood him. He entered the hall after the gentleman commenced speaking, and had not heard all his remarks. He had understood him to say that the Committee on the Judiciary would make no report in time for the action of the House. Whether he was so fortunate as to attract the respect of the gentleman, or not, was a matter of perfect indifference to him. He had duties to perform here of more importance than the attainment of the gentleman's regard; and he felt it his duty to defend the Executive from the unjust charges brought against him. With the transactions of 1826 he had nothing to do; but, long since the opinion of the Executive had been known on this subject, the voice of the gentleman from Tennessee had resounded through this hall in his praise. Why then did the gentleman charge the President and his friends with having abandoned principles which he sustained in 1826? So long as the President continued to pursue the course which he had done, he (Mr. G.) felt it his duty to sustain and defend him.

He was well apprized, from what he had seen and heard, that whenever the merits of the bill were discussed, the war-whoop was to be raised by the opposition, and the cry of executive patronage sounded in our ears. But (said Mr. G.) the gentleman may rest assured we shall not be taken by surprise, and that whenever the battle was waged, the friends of the administration would be found at their posts, prepared to defend and vindicate their principles, and the principles and measures of the President.

After Mr. GLASCOCK concluded, Mr. PATTON, of Virginia, moved that the House do now adjourn.

Mr. PEYTON rose, and appealed to the gentleman from Virginia to withdraw the motion; and after some conversation, in which Mr. PEYTON pledged himself to renew the motion of Mr. PATTON, the motion to adjourn was withdrawn.

Mr. PEYTON continued. The gentleman from Georgia saw fit to represent me as attacking the committee to which I have the honor to belong, and volunteered for their defence. He come to the defence of that committee! and from my attack! Were not those gentlemen seated around me? Do they have to look to the gentleman from Georgia for defence, when attacked from any quarter? Those gentlemen knew I had made no attack on them. No, sir; I know them well, and would be the last man in this body to cast the slightest shade of imputation upon them, as gentlemen, or as members upon this floor. The gentleman says his remarks were intended as a reply to those which I made; and yet he acknowledges that he did not hear what I said. If so, why not leave it to other gentlemen, who did hear them, to reply to my remarks? Why should that gentleman run tilting upon every subject that comes up? He must volunteer to defend all the committees of this House, and all the members of the party! And, sir, you cannot propose to discuss a great question of national policy, but you hear a dolorous lamentation about the President; it is an attack upon the President, whether the President ever said, or acted, or expressed an opinion upon the subject or not. He defend the President from my attacks! This is the miserable cant of the party, the tune played upon every jew's-harp, from Arkansas to the Atlantic, in the mouth of every demagogue and pettifogger. The venerable President! Defend the venerable President! Who were the friends of the President amidst perils and trials, at which the windy gasconading demagogues of the day and of the party would have shrunk and fled? Who stood by him, and sustained and supported his principles? Who advocated the same great principles

now? Sir, I have never been the man to attack General Jackson; but, on the contrary, I have gone with him in principle. I have not, nor will I, change my political principles.

Has it come to this, that every member of the party, no difference from what ranks he may have deserted, is a Jackson? and to ask him if he is honest, if he has any principle, is necessarily a direct attack on General Jackson? Yes, sir, these little Jacksons are springing up, like May-apples in the spring season, every where, all over the country, and to attack one of them is to attack the President himself! Yes, sir, they thrust forward his name on all occasions: it is their only shield. How is it possible for any gentleman to drag, *ad captandum*, into this question, the name of General Jackson? Did he ever vote on this question, or make it the subject of recommendation in his message? How, then, is he, his principles, his fame, and character, involved? If assailed at all, it has been done by the gentlemen from Massachusetts [Mr. ADAMS] and Rhode Island [Mr. PEARCE.] What contemptible quackery! Gentlemen shrink behind General Jackson whenever pressed on any question. Yes, sir, they fly to him, take shelter under his mantle, and say, "here we are," shivering and trembling: "don't strike me, or you will hit the old chief." Yes, sir, such men are aspiring to rule the destinies of this nation. Such men promise to walk in the footsteps of Andrew Jackson: yes, sir, they are aming to crawl into the highest stations upon the earth between the legs of a giant, one stamp of whose foot would sink them a thousand fathoms below the surface. They walk in the footsteps of Andrew Jackson! You might as soon expect to see the miserable pedlar's barge following in the wake of a man of war, while riding the mountain wave of a tempestuous ocean. These are the men who require us to yield implicit obedience to their will. These are the men whose principles, or want of principle, you cannot touch, without raising the howl of an attack on General Jackson. Yes, sir, we are gagged by that odious "previous question," whose especial province it is for certain gentlemen to move, and which is coming into such active use amongst us. But if you chance to get the floor, and appeal to gentlemen to stand to their principles, some sensitive Jackson plant, of the May-apple growth, must rush in, and offer to shiver a lance in defence of the "venerable President." I should like to compare notes with these little Jacksons, and see who is the best Jackson man upon principle. I should like to meet a better Jackson man than I always have been. Sir, I never saw the day when I would not for General Jackson, as a personal favor, meet any peril in a good cause, make any sacrifice save that of honor and independence; surrender any thing but those principles and that freedom which he would be the last man in the world to yield. But, sir, if gentlemen have no political principle, let them say so, and away this false clamor about General Jackson.

Mr. PATTON renewed the motion to adjourn, but withdrew it, in order to afford an opportunity to the gentleman from Georgia to rejoin.

Mr. GLASCOCK said he was happy to hear the encomium passed by the gentleman from Tennessee upon the venerable chief, and the declaration that he was still his friend; and he wished that this remark might be reported, and become matter of record, in order that they might be compared with other remarks which had fallen from the gentleman in the early part of the session. Mr. G. said that no one who had listened to the remarks of the gentleman but would perceive his object was to charge the President with an abandonment of those principles which he professed in 1826, and that the party were now abandoning them, and shrinking from his defence. Did he understand the gentleman to have made no such allusions? Did he understand him to entertain no such opinion in relation to the Chief Magistrate? He paused for a reply. Mr. G. said that every circumstance which had transpired in relation to this bill furnished abundant evidence to establish the fact that it was principally introduced for political effect, and will be resorted to, no doubt, for the purpose of assailing the President.

But the gentleman from Tennessee has thought proper to charge the friends of the administration with taking shelter under the old hero, whenever any question is presented which they cannot meet. This (said Mr. G.) comes with a bad grace from that gentleman; for he had no doubt the gentleman himself had often taken shelter under the old man's wing, and had, on many occasions, mounted the stumps of Tennessee, and cried aloud for him, in order to be sustained by his friends; and that he had been by them would not admit of a question. But Mr. G. said he saw a new state of things was about to take place; he thought he could foresee that the gentleman would soon abandon the President, if he had not already done so, and that he would be found arrayed against the administration, using his exertions and influence to render it unpopular, with a view to place a particular favorite in power. Yet (said Mr. G.) the gentleman professes still to be the friend of the Chief Magistrate. This may do (to use a common expression) "to tell the marines," but not this House; for, from what had taken place, he did not confide in it himself, nor did he believe a majority of the House would.

The gentleman has found it necessary, for effect, too, to charge the friends of the administration with being led by the gentleman from Massachusetts, [Mr. ADAMS.] Who (said Mr. G.) does not perceive the object? But it will avail him nothing; for, whilst he disclaimed being led by any man, or set of men, it would afford him pleasure at all times to do justice to the venerable gentleman from Massachusetts, and to be found voting with him on all questions which met his (Mr. G's) views and approbation. And if (said Mr. G.) it be any satisfaction to the gentleman from Tennessee, he would inform him that he never listened with more pride and pleasure to the remarks of any one than he had to those which fell from the venerable gentleman a few days since, on the introduction of his resolutions. He felt as if they came from the heart of a patriot, and such as he had no doubt would be approved by every American citizen who loved his country and his Government; and he rejoiced when he witnessed the general burst of applause which followed the utterance of certain expressions, in relation to the battering down our Capitol. Sir, (said Mr. G.,) it was like an electric shock, and was received with feelings becoming American freemen, and freemen determined to maintain the interest and honor of the motion.

On motion of Mr. PATTON,

The House then adjourned, without taking the question.

THURSDAY, FEBRUARY 4.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. PINCKNEY asked the unanimous consent of the House to submit a resolution relative to the abolition of slavery in the District of Columbia. His object was to have the resolution printed, and when the pending resolutions on the subject should be taken up, he should offer his proposition in lieu of the same.

Mr. GRANGER called for the reading of the resolution; which was read accordingly, as follows:

Resolved, That all the memorials which have been offered, or may hereafter be presented, to this House, praying for the abolition of slavery in the District of Columbia, and also the resolutions offered by an honorable member from Maine, [Mr. JARVIS,] with the amend-

ment thereto proposed by an honorable member from Virginia, [Mr. WISE,] and every other paper or proposition that may be submitted in relation to that subject, be referred to a select committee, with instructions to report that Congress possesses no constitutional authority to interfere in any way with the institutions of slavery in any of the States of this confederacy; and that, in the opinion of this House, Congress ought not to interfere in any way with slavery in the District of Columbia, because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union; assigning such reasons for these conclusions as, in the judgment of the committee, may be best calculated to enlighten the public mind, to repress agitation, to allay excitement, to sustain and preserve the just rights of the slaveholding States and of the people of this District, and to re-establish harmony and tranquillity amongst the various sections of the Union.

Mr. WISE then rose and objected to its reception.

Mr. PINCKNEY moved to suspend the rules, in order to enable him to offer the resolution.

Mr. MANN, of New York, asked for the yeas and nays on the motion to suspend the rules; which were ordered.

Mr. W. B. SHEPARD inquired whether, if the rule was suspended, and the resolution offered, it would not open the whole subject for debate at this time.

Mr. PINCKNEY repeated that his only object was to present his resolution for the purpose of having it printed for the information of members; and that, when the subject should again come up, he contemplated moving it as a substitute for the propositions before the House.

Mr. WILLIAMS, of North Carolina, again called for the reading of the resolution; which being done,

Mr. MORGAN moved to lay the motion to suspend the rules on the table.

Mr. HAWES called for the yeas and nays; which were not ordered.

The motion to lay the motion to suspend the rules on the table was negatived.

The question on the suspension of the rules was then taken by yeas and nays, as follows:

YEAS—Messrs. John Q. Adams, Anthony, Ash, Barton, Beale, Bean, Beaumont, Bockee, Bond, Boyd, Briggs, Brown, Burns, Bynum Cambreleng, Carr, Casey, George Chambers, Chaney, Chapin, J. F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cushing, Cushman, Deberry, Denny, Dickerson, Efner, Evans, Everett, Fairfield, Farlin, Fowler, Fry, Philo C. Fuller, Galbraith, James Garland, Gillet, Granger, Gantland, Graves, Hamer, Hannegan, Harper, Samuel S. Harrison, Hawes, Haynes, Hazeltine, Henderson, Holsey, Hopkins, Howard, Hubley, Hunt, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Cave Johnson, Benjamin Jones, Kilgore, Kinnard, Lane, Lawrence, J. Lee, Leonard, Logan, Abijah Mann, Job Mann, Manning, William Mason, Moses Mason, Samson Mason, May, McKay, McKim, McLene, Miller, Moore, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Fanklin Pierce, Dutee J. Pearce, Phelps, Pinckney, Rencher, John Reynolds, Joseph Reynolds, Roane, Rogers, Schenck, Seymour, A. H. Shepperd, Sloane, Smith, Spangler, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turner, Turrill, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Weeks, Lewis Williams—121.

NAYS—Messrs. Chilton Allan, Heman Allen, Ashley, Banks, Boon, Borden, Bovee, Bunch, John Calhoon, William B. Calhoun, Carter, John Chambers, Chapman, Childs, N. H. Claiborne, Clark, Crane, Darlington, Dickerson, Dunlap, Forester, French, Rice Garland, Glascock, Grayson, Grennell, Griffin, Haley, Hiland Hall, Hammond, Hardin, Harlan, Hiester, Hoar, Howell, Ingersoll, William Jackson, Janes, Judson, Laporte, Lawler, Lay, Luke Lea, Lincoln, Love, Lyon, Martin, John Y. Mason, Maury, McKennan, Mercer, Morgan, Morris, James A. Pearce, Pettigrew, Peyton, Pickens, Potts, Robertson, Russell, William B. Shepard, Shields, Shinn, Standefer, Steele, Taliaferro, W. Thompson, Towns, Underwood, Webster, White, Whittlesey, S. Williams, Wise—75.

So the House refused to suspend the rules; two thirds being necessary.

RULES OF THE HOUSE.

Mr. MANN, of New York, asked the unanimous consent of the House to take up and consider the report of the select committee on the rules.

Objection being made,

Mr. MANN moved a suspension of the rules for this purpose.

Mr. BELL called for the yeas and nays on the motion; which were ordered, and were,

YEAS—Messrs. Chilton Allan, Heman Allen, Ashley, Beale, Bell, Bockee, Bond, Boon, Borden, Boyd, Briggs, Bunch, Bynum, John Calhoon, William B. Calhoun, Campbell, Carter, Casey, George Chambers, John Chambers, Childs, Clark, Cleveland, Connor, Corwin, Crane, Cushing, Davis, Deberry, Denny, Dickson, Dunlap, Everett, Forester, Fry, P. C Fuller, Rice Garland, Graham, Granger, Grennell, Griffin, Hiland Hall, Hamer, Hard, Hardin, Harlan, Hazeltine, Hiester, Howell, Hunt, Hunstman, Ingersoll, Janes, Henry Johnson, Kinnard, Lane, Lawrence, G. Lee, Luke Lea, Lincoln, Love, Lyon, Abijah Mann, Samson Mason, Maury, May, McKay, McKennan, Mercer, Milligan, Moore, Morris, Parker, J. A. Pearce, Pettigrew, Peyton, Phillips, Pickens, Potts, Rencher, John Reynolds, Ripley, Roane, Robertson, Russell, Schenck, W. B. Shepard, A. H. Shepperd, Sloane, Spangler, Sprague, Standefer, Steele, Storer, Taliaferro, Turner, Underwood, Vinton, White, Whittlesey, L. Williams, Wise—104.

NAYS—Messrs. Adams, Anthony, Ash, Banks, Barton, Bean, Beaumont, Bovee, Brown, Burns, Cambreleng, Carr, Chaney, Chapman, Chapin, J. F. H. Claiborne, Coffee, Coles, Craig, Cramer, Cushman, Darlington, Dickerson, Doubleday, Dromgoole, Efner, Fairfield, Farlin, Fowler, French, William K. Fuller, Galbraith, J. Garland, Gillet, Glascock, Grantland, Haley, Hannegan, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Hoar, Holsey, Hopkins, Howard, Hubley, Huntington, Ingham, William Jackson, Jabez Jackson, Jarvis, Joseph Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Lansing, Lawler, Lay, Joshua Lee, Leonard, Logan, Loyall, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, McKim, McLene, Miller, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, Phelps, Pinckney, Joseph Reynolds, Rogers, Seymour, Shinn, Smith, Sutherland, Taylor, John Thomson, Towns, Turrill, Vanderpoel, Wagener, Ward Wardwell, Webster, Weeks, Sherrod Williams—103.

So the House refused to suspend the rules, two thirds being necessary.

REPORTS FROM COMMITTEES.

Mr. WM. B. SHEPARD, of North Carolina, moved to suspend the rules, in order to receive reports from the standing and select committees of the House; which was agreed to by a vote of 114 to 51.

Mr. CAMBRELENG, from the Committee on Ways and Means, reported the following resolution:

Resolved, That so much of the nineteenth rule of this House, which appropriates Friday and Saturday in each week to the consideration of private bills, be suspended

on Saturday next, and that the bill for the relief of the sufferers by the fire in the city of New York be made the special order of the day, at one o'clock on that day.

The CHAIR decided that the resolution was not debatable, as it related to the priority of business.

The question being taken, the resolution was lost: Yeas 109, nays 66; not two-thirds.

INCENDIARY PUBLICATIONS.

Mr. WISE rose and said he wished to make an inquiry of the chairman of the Committee on the Post Office and Post Roads, whether they would soon make a report on that part of the President's message relating to the transmission of incendiary publications by the mail.

Mr. CONNOR could only reply to the gentleman's interrogatory, by stating that the subject was now under the advisement of the committee, who would decide upon it as soon as possible; perhaps at an early, perhaps at a late day. It rested with the majority of the committee to say when, in their judgment, it would be most expedient and proper to bring it before the House.

Mr. MANN, of New York, inquired of the Chair whether it was competent for him, at that time, to move to take up and consider the report of the select committee on the rules, and whether it was not in the power of the majority to take up that report?

The CHAIR replied in the negative. The rules having been suspended for the purpose of receiving reports, it would require two thirds to take up a report upon the table.

APPROPRIATION BILLS.

The House then resumed the consideration of the bill making appropriations in part for the support of the Government for the year 1836, commonly called the House contingent bill.

The bill was on its third reading, with two pending motions: one by Mr. JOHNSON, of Tennessee, to recommit to a Committee of the Whole on the state of the Union; and the other by Mr. UNDERWOOD, of Kentucky, to recommit to the Committee of Ways and Means, with the following instructions:

With instructions to report one uniform mode of paying the mileage of the members of this House and the Senate, or to ascertain the mileage of each member of Congress, and to report an item for paying the mileage of the members of the House, and a separate item for paying the mileage of the members of the Senate, which items shall not exceed the aggregate of the sums allowed each Senator and Representative, respectively, according to some uniform rule to be affixed by the committee.

The motion pending on the instructions was Mr. ANTHONY's amendment to insert, after the word "discretion," the "propriety of regulating," &c.

Mr. EVERETT hoped the House would proceed to pass the bill this day, without recommitting it.

Mr. HANNEGAN then offered the following amendment:

That the said committee be further instructed to inquire--

1st. Into the expediency of removing the seat of the Federal Government from Washington to Cincinnati or Louisville.

2d. Into the propriety of so amending the rules of the House as to cause a list of the absentees, whenever the yeas and nays are taken, to be entered on the journal, and published, as a part of each day's proceedings, in the morning papers.

3d. Of compelling all members, who may hereafter absent themselves during the sittings of the House, on visits to their homes and families, or for the purpose of attending their practice in the courts of this District and the adjacent States, to relinquish their pay during the period of such absence.

4th. Of requiring a relinquishment, in like manner, of their compensation from members during the time lost from the business of the House, in excursions to the neighboring cities, or in pleasure parties about this city and the surrounding country, or from any other cause whatever, except sickness or the order of the House.

5th. Of establishing a rule to prevent members from drawing their pay up to the close of the session, who leave several days prior to the adjournment.

Mr. HARDIN asked if it would be in order to move to lay the amendments on the table.

The CHAIR (temporarily occupied by Mr. PATTON) said that it would not.

Mr. BOON then demanded the previous question; which was seconded: Yeas 74, nays 56; and,

On ordering the main question to be put,

Mr. PARKER asked for the yeas and nays; which were ordered, and the result was as follows:

YEAS—Messrs. Heman Allen, Anthony, Ash, Ashley, Beale, Bean, Beaumont, Bockee, Boon, Borden, Bovee, Brown, Burns, Bynum, Cambreleng, Campbell, Carr, Casey, Chaney, Chapman, Chapin, Childs, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Cramer, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Efner, Fairfield, Farlin, Fowler, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Glascock, Grantland, Grayson, Haley, Joseph Hall, Hiland Hall, Hamer, Hard, Harlan, Samuel S. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Holsey, Howard, Hubley, Huntington, Huntsman, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Richard M. Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Joshua Lee, Leonard, Logan, Loyall, Lucas, Job Mann, Manning, Martin, William Mason, Moses Mason, May, McKeon, McKim, McLene, Miller, Milligan, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, James A. Pearce, Pinckney, John Reynolds, Joseph Reynolds, Ripley, Rogers, Schenck, Seymour, Shinn, Smith, Sprague, Steele, Sutherland, Taylor, John Thomson, Toucey, Towns, Turrill, Vanderpoel, Ward, Wardwell, Washington, Webster, Weeks—133.

NAYS—Messrs. J. Q. Adams, Chilton Allan, Banks, Bell, Bond, Boyd, Briggs, Bunch, John Calhoon, William B. Calhoun, Carter, George Chambers, John Chambers, N. H. Claiborne, Clark, Craig, Crane, Cushing, Denny, Dunlap, Evans, French, Graham, Granger, Graves, Grennell, Griffin, Hannegan, Hardin, Harper, Hawes, Hiester, Hoar, Hopkins, Howell, Hunt, Joseph Johnson, Lawrence, Lay, Luke Lea, Lincoln, Love, Lyon, John Y. Mason, Samson Mason, Maury, McComas, McKay, McKennan, Mercer, Morris, Parker, Patton, Peyton, Phillips, Potts, Reed, Rencher, Roane, Robertson, Russell, William B. Shepard, Spangler, Standefer, Storer, Taliaferro, Thomas, Turner, Underwood, Vinton, Wagener, White, Whittlesey, Lewis Williams, Wise—76.

So the House determined that the main question, which was on the passage of the bill, should be put; and the bill was then read the third time, and passed.

Mr. RENCHER asked leave of the House to offer a resolution respecting the mileage, &c., of members of Congress.

Objections being made,

Mr. CAVE JOHNSON moved to suspend the rules; and

Mr. WILLIAMS, of North Carolina, asked for the

yeas and nays; which being ordered, Mr. CAVE JOHNSON withdrew his motion; and

Mr. HAWES renewed it, and asked for the yeas and nays; which were ordered; and the question being taken, was decided in the affirmative: Yeas 158, nays 43, as follows:

YEAS—Messrs. J. Q. Adams, Chilton Allan, Heman Allen, Anthony, Banks, Bean, Beaumont, Bell, Bond, Borden, Boyd, Brown, Bunch, Bynum, John Calhoon, Cambreleng, Carr, Carter, Casey, George Chambers, Chaney, Chapman, Chapin, Childs, Nathaniel H. Claiborne, Clark, Cleveland, Coffee, Connor, Corwin, Craig, Cushing, Darlington, Deberry, Denny, Dickerson, Doubleday, Evans, Everett, Fairfield, Forester, Fowler, French, Fry, Galbraith, James Garland, Glascock, Graham, Granger, Grantland, Graves, Grennell, Griffin, Haley, Joseph Hall, Hiland Hall, Hamer, Hammond, Hannegan, Samuel S. Harrison, Hawes, Hawkins, Hazeltine, Henderson, Hiester, Holsey, Hopkins, Howell, Hunt, Huntsman, Ingersoll, Ingham, Jabez Jackson, Janes, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, Judson, Kilgore, Klingensmith, Lane, Lansing, Laporte, Lawler, Lawrence, Lay, Joshua Lee, Luke Lea, Lincoln, Logan, Love, Loyall, Lucas, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, Moses Mason, Samson Mason, Maury, McComas, McKay, McKennan, McKim, Miller, Milligan, Montgomery, Moore, Morgan, Morris, Owens, Parker, Parks, Patterson, Patton, Franklin Pierce, Pettigrew, Peyton, Phelps, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, John Reynolds, Smith, Spangler, Sprague, Standefer, Steele, Storer, Roane, Robertson, Rogers, Russell, Shields, Sloane, Thomas, John Thomson, Toucey, Turner, Underwood, Vanderpoel, Wagener, Ward, Washington, Webster, Weeks, White, Whittlesey, Lewis Williams, Wise—158.

NAYS—Messrs. Ash, Barton, Beale, Bockee, Boon, Bovee, Burns, Campbell, Coles, Cramer, Cushman, Davis, Dickson, Dromgoole, Dunlap, William K. Fuller, Gillet, Grayson, Hard, Hardin, Haynes, Howard, Hubley, Huntington, Jarvis, Leonard, May, McLene, Muhlenberg, Page, James A. Pearce, Joseph Reynolds, Ripley, Schenck, Seymour, Shinn, Sutherland, Taliaferro, Taylor, Turrill, Vinton, Wardwell, Sherrod Williams—43.

So the rules of the House were suspended. The resolution was then read, as follows:

"*Resolved*, That a select committee be appointed to inquire whether any, and what, alteration is necessary to be made relative to the pay and mileage of members of Congress; whether any, and what, legislation is necessary to limit and curtail the contingent expenditures of this House.

Mr. HIESTER moved to insert "select committee" in place of the "Committee on Accounts;" which Mr. RENCHER accepted as a modification.

Mr. GRENNELL moved that the committee consist of twenty-four, one from each State; agreed to: Ayes 89, noes 74.

And then the House adjourned.

FRIDAY, FEBRUARY 5.

SUSPENSION OF RULES.

Mr. REYNOLDS moved that the rules be suspended in order to offer the following resolution:

Resolved, That the House of Representatives of the Congress of the United States, in regard to the execution of the treaty of the 4th of July, 1831, by France, approve of the President's late message recommending the prohibition "of French products and the entry of French vessels into our ports."

Mr. MASON, of Ohio, moved that the motion to suspend be laid on the table.

Mr. REYNOLDS asked the yeas and nays on this motion, and they were refused.

The question was taken, and decided in the affirmative: 119 rising in the affirmative, noes not counted. So the motion of Mr. REYNOLDS to suspend the rules of the House, for the purpose indicated by him, was ordered to lie on the table.

Mr. HANNEGAN moved to suspend the rules in order to move certain instructions to the select committee of twenty-four, yesterday ordered to be appointed, on the subject of pay and mileage of members.

Mr. HANNEGAN was not, he said, particularly anxious about the first instruction, as twenty or thirty years hence might answer for that; but, in case of a French war, the Capitol might be again sacked, and it would therefore be expedient.

The CHAIR interposed, and said that the question was not debatable.

Mr. HANNEGAN called for the yeas and nays on his motion, and they were ordered.

Mr. WILLIAMS, of North Carolina, moved to lay the motion on the table.

Mr. HANNEGAN asked the yeas and nays, and they were refused.

The motion to lay the motion to suspend the rules on the table was then agreed to.

MANAGEMENT OF THE POST OFFICE.

The following resolution, heretofore offered by Mr. SMITH, was taken up for consideration:

"*Resolved*, That the letter of the late Hon. Wm. T. Barry, formerly Postmaster General of the United States, received by the Speaker of the House of Representatives at the last session of Congress, on the last day of said session, be taken from the files of the House, laid upon the table, and printed."

Mr. BOND asked whether the mover intended to found any legislation upon the resolution.

Mr. SMITH replied that he did not. He made the motion as an act of simple justice to the late Postmaster General, who thought the letter necessary to his defence from charges brought against him. The reason that it was not ordered to be printed at the last session was, that the letter was received at too late an hour of the session, when there was not a quorum present.

Mr. BOND said he was opposed to the adoption of the resolution. It was a proposition like one already before the House, of the resurrection order, and was calculated to excite ill will and warm debates, without effecting any good object whatever. The letter had been printed in the newspapers, and extensively circulated. He moved to lay the motion on the table; but withdrew it at the request of

Mr. BRIGGS, who said he should vote for the motion, but did not agree with the gentleman from Maine as to the reason that the letter was not printed last year. Two gentlemen, he recollected, opposed the motion to print, on the ground that it was, in its terms, disrespectful to a committee of this House, which had made a report on the condition and management of the Post Office Department. He was in favor of printing the letter, as an act of justice, or at least of generosity, to an individual, late a high officer of the Government, and now no more. Two reports had been made from committees of Congress, which brought the Post Office Department into a notice by no means complimentary to the head of that Department. Feeling that he could vindicate himself from all imputation upon his own conduct, as the head of the Department, he had drawn up this paper, and

presented it to the House. He was now beyond the reach of censure or of praise; but as he had stood accused before the country, it was due to his memory, and to his family and friends, to let his defence go forth to the country.

Mr. MASON, of Ohio, called for the reading of the letter; which was objected to.

Before the Chair had decided whether the gentleman from Ohio had a right to call for the reading,

Mr. HAMER moved that the further consideration of the resolution be postponed till Friday next. Rejected.

Mr. MASON, of Ohio, renewed his demand that the letter be read.

The CHAIR decided that the gentleman from Ohio had a right to demand the reading of the letter; and the Clerk proceeded to read it accordingly.

The hour assigned for the consideration of resolutions having expired, the reading was suspended, and the House proceeded to the orders of the day; which were private bills.

JESSE SMITH.

The House then resumed the consideration of the bill for the relief of Jesse Smith and others.

The question being on the passage of the bill, it was opposed by Mr. MANN, of New York, and advocated by Mr. WARDWELL; when

Mr. GILLET, in order to give further time for examination, moved to postpone the further consideration of the bill until Friday next.

The motion to postpone was advocated by Messrs. GILLET, WILLIAMS of North Carolina, and PARKER, and opposed by Messrs. CHAMBERS of Kentucky, and WHITTLESEY; when it was lost.

The bill was further opposed by Mr. PARKER.

Mr. HUNT advocated the bill in the following remarks:

Mr. Speaker, I am aware of the difficulty, at this late hour of the day, and upon a private claim, of giving to the subject under consideration an interest commensurate with its importance. Sir, perceiving upon my files a bill concerning the citizens of my own State, I have possibly been induced to give the matter an examination which, in another case (reposing, as does this House most justly, an entire confidence in the ability and vigilance of the gentleman at the head of the Committee of Claims) I might not have done. And the result of that examination has been a perfect conviction of the justice of the claim now presented. Nay, further, a simple statement of the case will show that, could the claim be presented as between man and man, no judicial tribunal in our country could or would refuse to sanction it. As regards the characters of the claimants, perhaps sufficient has already been said by my colleague, and I will only add that, if any reliance can be placed upon human testimony, we have ample evidence furnished by those who have long filled the the high places of life, in that portion of the State of New York where the claimants reside, of their standing and integrity.

We have, also, ample evidence (not attempted to be contradicted) that whenever the drafts and due bills in question have been transferred from the original holders, they have been so at par, and in the ordinary course of business. The holders of this paper, unlike the speculators in your continental currency, have taken it bonafide at par value.

It may not be amiss, sir, to look for a moment to the history of the times which gave rise to the issue of the paper in question.

There was no quartermaster general's department established at Washington until the year 1818; previous to that time, the country was divided into military districts--Colonel Elisha Jenkins being quartermaster general of the military district embracing the northern frontiers, and having his headquarters at Albany, and Samuel Brown being deputy quartermaster general from 1813 to 1816, and stationed at Sackett's Harbor. Previous to and during the period of which I speak, the Government labored under great pecuniary embarrassments. The disbursing officers were left unsupplied with funds; and yet your armies were to be fed and supported. Work must be done. Provisions and stores were daily required. How were they to be obtained? Colonel Jenkins tells you.

In an official letter to deputy quartermaster Brown, under date of 10th December, 1814, he says, "I obtain every thing I can upon credit; I receive vouchers, take receipts, and give certificates of sums due, promising to pay out of any public funds, when the certificates are presented. This expedient must be resorted to until we have better times."

This expedient, thus sanctioned by the commanding officer, was resorted to, and enabled the Government to carry on its operations.

The practice was well understood by the Government, and these due bills, or certificates, signed in an official capacity by the disbursing officers, passed current from hand to hand, and constituted in many places almost the entire circulating medium of your country.

In May, 1816, Major General Brown gave orders for the building of the Madison Barracks, at Sackett's Harbor—the erection was deemed necessary for the troops the ensuing winter. These barracks were built under the general superintendence of Thomas Tupper, who, in November, 1816, was appointed assistant deputy quartermaster at Sackett's Harbor, taking the post formerly occupied by Samuel Brown, and well understanding, from long experience, the practice of the department.

Thomas Tupper issued, for the building of these barracks, in his official capacity, certificates and due bills to the amount of some $17,000; which due bills have never been paid, and now form the subject of the claim presented to us.

Now, sir, in reference to the well-known practice of the disbursing officers, sanctioned by the Government for a series of years—in view of the fact that, apart from some particular agreement with the individuals, the officer was from the beginning, and so remained, the agent of the Government, I hesitate not to say, as a professional man, that the Government is responsible for the acts of its agents; and if in this case the agent, Tupper, has received funds from the Government, and not paid them out to the Government creditors, we are bound to see to the payment of these creditors.

There is, sir, another feature in this case: Tupper gave no bonds, though required by law so to do. I do not mention this with a view of casting censure upon any officer or department of the Government; but it shows that, had the Government done its duty, no loss would have fallen either upon the claimants or itself, but must have been bound by Tupper's bail.

But again, sir: whatever may be thought of the legal position assumed by me above, I now present another feature of this case, which seems to me to relieve it from all embarrassment and doubt.

In November, 1817, we find Tupper at Washington, presenting the receipts taken from the claimants, amongst his other vouchers, to the proper department for settlement; and he then apprized Mr. Hagner that these due bills (now presented) were outstanding and unpaid. Nay, further, he desired to adjust the residue of his account, leaving the Government to pay these due bills when they should be presented. In answer to this request, Mr. Hagner, the Auditor, under date of 5th June, 1818, writes to Tupper: "You must take up your

own due bills, and I advise that no more be issued in future on any occasion." The vouchers for these due bills were not passed to Tupper's credit until April, 1818, five months after actual notice that these due bills were unpaid.

The brief history I have attempted of this transaction is sustained by the entire body of evidence upon your table.

In view of such facts, can we say to the claimants, True, we have had the benefit of your labor, but you must look for your pay to Captain Tupper. Can gentlemen for a moment contend that the workmen who erected Madison Barracks looked at all to the personal responsibility of Tupper. Sir, he had no personal nor pecuniary responsibility. He contracted as the agent of the Government—he signed the due bills in his official capacity, and I trust, sir, we shall in our collective legislative character do, what every gentleman in private life would feel constrained to do, an act of at least very tardy justice to the claimants, and pass the bill upon your table.

Mr. PARKS now moved an adjournment; lost.

Mr. WILLIAMS, of North Carolina, moved to postpone the further consideration of the bill until to-morrow; not carried.

The bill was further opposed by Messrs. GILLET and PARKS, and advocated by Mr. STORER.

Mr. PARKS moved a suspension of the rules, in order to submit a motion that when the House adjourns to-day it adjourn to meet on Monday. Agreed to: Ayes 112, noes 44.

Mr. PARKS then submitted to above motion; which was agreed to; and, on Mr. P's motion,

The House then adjourned.

Monday, February 8.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. PINCKNEY asked the consent of the House to offer the resolution heretofore indicated by him on the subject of the abolition of slavery.

Objections being made,

Mr. PINCKNEY moved the suspension of the rules in order to enable him to offer the resolution.

Mr. PARKER asked if it was the object of the mover to bring the subject before the House for consideration this day.

Mr. PINCKNEY replied that it was.

Mr. BROWN asked for the yeas and nays on the motion, and they were ordered.

The question being taken, it was decided in the affirmative: Yeas 138, nays 65.

Mr. PINCKNEY then submitted the following resolution:

Resolved, That all the memorials which have been offered, or may hereafter be presented, to this House, praying for the abolition of slavery in the District of Columbia, and also the resolutions offered by an honorable member from Maine, [Mr. Jarvis,] with the amendment thereto proposed by an honorable member from Virginia, [Mr. Wise,] and every other paper or proposition that may be submitted in relation to that subject, be referred to a select committee, with instructions to report that Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this confederacy; and that, in the opinion of this House, Congress ought not to interfere in any way with slavery in the District of Columbia, because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union; assigning such reasons for these conclusions as, in the judgment of the committee, may be best calculated to enlighten the public mind, to repress agitation, to allay excitement, to sustain and preserve the just rights of the slaveholding States and of the people of this District, and to re-establish harmony and tranquillity amongst the various sections of the Union.

Mr. PINCKNEY said he would not detain the House long. He had offered the resolution before the House upon the most deliberate reflection, and after consultation with several highly respected and judicious friends, and because he honestly believed it to be the very best course that could be adopted in relation to the dangerous and exciting subject to which it refers. Mr. P. said he was aware of the responsibility he assumed, but knowing that he was acting for the highest good of the whole country, he was perfectly ready and willing to encounter it. He was acting for the true interests of his constituents, for the true welfare of his native State and of all the South, and, he was neither afraid nor ashamed to add, with a view to the peace and preservation of the Union. But, because he had dared to adopt this course, he had been bitterly assailed by a certain print, [the Telegraph,] and that, too, before he had even had an opportunity to assign his reasons. Sir, said Mr. P., let me say once for all that I am not to be driven by newspaper assaults, or calumnious imputations upon my motives, from my settled convictions of public duty, nor from my determined purpose to take high and patriotic ground upon this subject, and to prevent it, as far as I am able to do so, from being made a perpetual source of agitation, to the ruin of the South, and the destruction of the Union. I have no fear that the assaults to which I have alluded will injure me in the estimation of the citizens of Charleston. My constituents have known me long, and they know me well. They know that I am utterly incapable of being tempted to desert my duty to them, in any matter in which their rights or interests are involved; and they will spurn the base imputation upon me, as an insult to themselves. But I do plead guilty to the heinous accusation of desiring harmony--of desiring to produce a safe, and advantageous, and honorable adjustment of this question. But how, Mr. Speaker! By evading the resolutions offered by the honorable members from Maine and Virginia, as I am charged with doing? No sir: all who know me, either here or in South Carolina, know that I never have evaded or avoided any vote or any question, upon which it has ever been my duty to act as a public representative. It is not my nature: it is not my character. I would disdain to shrink from an open avowal of my sentiments, or record of my vote, upon any question which any gentleman could make before this House. How then, sir? By retracing ground already gained, and yielding an advantage obtained from the enemy? No sir: for I know of no ground gained--no advantage obtained--but I am decidedly of opinion, on the contrary, that we have lost ground daily by the course that has been pursued, and that we shall lose more and more, the longer it is persisted in. This accusation, then, is absurd. I have evaded nothing: I have yielded nothing. I deny the imputation and every vile insinuation connected with it. But, sir, I do desire harmony--by producing harmonious, united, and efficient action--by taking higher ground than has yet been taken--by covering the whole field--by bringing up the main question and acting upon that; and by doing what no one else has yet attempted to do--by procuring a direct vote, and a practical result, upon the whole subject of the abolition of slavery! This is my object, sir. And am I to be denounced for this? Are my constituents to be incited to suspect me, because I am honestly endeavoring to bring this distracting controversy to the very best issue of which it is susceptible? Is it treason to the South, sir, that this House should declare, by a solemn and deliberate vote, that Congress possesses no constitutional authority to interfere with slavery in any of the

States? Is it treason to the South, that this House should declare, by a solemn and deliberate vote, that Congress ought not, and will not, interfere in any way with slavery in the District of Columbia, because it would be a violation of the public faith, and dangerous to the Union? Has such a point as this ever been gained before? Has ever such a vote been taken, or such a declaration made, as this? Is it treason to the South to wish to allay excitement, and to repress agitation? Is it treason to the South, that a committee should be ordered to draught a report, as ably as they can, to secure and maintain the just rights of the slaveholding States and of the people of this District, on the one side, and at the same time to restore concord and tranquillity amongst the various sections of this confederacy, on the other? If this be treason to the South, sir, let my constituents judge me. I am responsible to them—but to no individual, be he who he may. If this be treason to the Union, let the people of America decide: for I cheerfully acknowledge that, as a citizen of the Union, I am also responsible to them. But, at all events, however I may be denounced for my audacity in having acted thus, I have the consolation to know that the propositions I have offered meet the cordial approbation of many members from the South, than whom there are no purer patriots, or more devoted southerners, upon this floor. Several of them have said that they would have rejoiced if this very course had been adopted at the beginning of the session; and I have every reason to believe that it will now be sustained by the almost undivided vote of the whole southern delegation. What, then, Mr. Speaker! am I and all the southern delegates who act with me, are all of us, traitors; and is the individual who has assailed me the only man who understands the interests, or cares for the rights and honor, of the South? But, sir, I feel that I ought to ask pardon of the House for speaking in this manner. It is exceedingly painful to me to speak of myself, at any time, or in any place, but especially before so respectable and enlightened an assembly as this; but, in justice to myself, I could not have avoided it upon the present occasion. Sir, I will only trouble the House with one or two observations more. I wish my constituents to understand my motives. It is my duty, as the representative of the people of Charleston, to render an account to them of every thing that I may say or do in my public capacity, and I wish them to understand me distinctly, that they may judge me correctly, and especially before any false impressions may have been created in their minds. I say, then, Mr. Speaker, that I have three great objects in offering this resolution. The first is, as far as possible, to arrest the discussion of the subject of slavery within these walls, which I believe to be useless—worse than useless—pernicious to the South, and dangerous to the whole country. The second is, to bring the whole subject of the abolition of slavery to a practical result, in a manner safe and advantageous to the South, satisfactory to the North, and calculated also to tranquillize the country and to confirm the Union. My last object is—and this, indeed, substantially includes the whole—my last object is to put down the spirit of fanaticism, to repress the spirit of incendiary agitation, by disseminating throughout the country a calm and temperate report, emanating from this body, having the high sanction of the national Legislature, and calculated, both by its own arguments and the high source from which it issues, to produce that sound and rational state of public opinion, in the non-slaveholding States, which is equally due to the South and to the preservation of the Union. And, for this great purpose, sir, I would cover the whole ground. I would embrace the States, as well as the District of Columbia. I know no reasonable objection to doing so, and it is justified by precedent. It is the very course that was adopted by Congress in the memorable resolution of 1790—a course that was sustained (I believe proposed) by the venerable Madison, and that received the unanimous sanction of the whole southern delegation of that day. I can see no reason why the same course should not receive the unanimous sanction of the whole southern delegation now. In my humble judgment, it is the only course by which we can bring this matter to an advantageous issue. Hitherto we have been fighting about mere abstractions. Hitherto we have been contending about the right of petition, and other minor and unimportant points. We have been wasting our energies, and losing ground upon a false issue—an issue upon which we never can arrive at a practical result—an issue upon which the whole North is united, and the South divided, and the very debate upon which, so far from doing the least good, only increases the spirit of abolition at the North, inflames excitement at the South, and is daily widening the breach between the different members of the Union. Now, sir, I am for overstepping these minor abstract points, and taking higher ground. I am for taking the question upon the whole subject. I would let the right of petition alone, as no way material to the true issue. I would have a broad and compresive declaration that Congress possesses no authority over slavery, here or elsewhere, and will not interfere with it in any way whatever. Is not this the true position for the South, sir? I think it is, and my constituents, too, all of whom own slaves, will think upon it, too. Sir, the abolitionists aim at general emancipation. No candid man can doubt it, or deny it. All their writings and publications prove it. You cannot read the proceedings of a single anti-slavery society, or a single production of the incendiary press, without being thoroughly convinced that they contemplate abolition in the States as their grand ultimate object, and that they never will be satisfied with any thing short of it, as long as they have the slightest shadow of a hope. Now, sir, I would meet them, and defeat them, at once and forever, upon that. I consider that we do but little, if we do not crush their hopes in relation to the States. There can be no doubt that all their attempts to procure abolition in the District, are, that it may constitute a foundation for their general scheme. They regard it as an entering wedge by which they may carry on their operations afterwards to an indefinite extent. Give them this District as a lever, and they will never cease until they bring this Government to act upon the States. I would therefore cut off all their hopes at once, as regards the States, by saying to them, plainly and distinctly, that this Government possesses no power whatever by which they could be aided in their views. Satisfy them that they have no hope in relation to the States, and they will soon cease to trouble us in relation to the District. But, "to make assurance doubly sure," I would also extinguish their hopes as regards this District. I would meet them at every point, and put them down on all. I would say to them, that, so far from ever obtaining the aid of this Government in their designs upon the States, they shall never be permitted even to obtain a foothold here. They shall never be permitted to use this District for the purpose of convulsion and disunion. And surely, Mr. Speaker, if any thing on earth can repress the spirit of incendiary agitation, such proceedings on the part of this House must produce that effect. And not only that, sir; it will not only tend, as I firmly believe, to check and repress the fanatics, but, what is still more important, it will tend, powerfully and irresistibly, to produce a high-toned, generous patriotism, an enlarged, magnanimous, American spirit, in the great body of the non-slaveholding States, eminently favorable to the cause of peace and to the constitutional rights and in-

terests of the southern States. Only let this House adopt the course indicated in the resolutions I have offered, and my life upon it they will be sustained by every honest heart, by every true American patriot, in every non-slaveholding State in this great republic. Now, sir, this is the very result I desire to produce. The battle of abolition is to be fought, not at the South, but in the non-slaveholding States. The people of the non-slaveholding States are divided into two classes--the incendiary fanatics, who are plotting our destruction and the destruction of this Union; andthe great body of the people, who respect the rights and feelings of their southern brethren, and are doing all that they can to put the fanatics down. What, then, is our policy? To make a new issue upon abstract points; to change the whole aspect of the question, by contending against the right of petition, and thus increase abolition, and drive our supporters from the field. No, sir. I would strengthen our friends, not weaken them. I would let them fight the abolitionists in their own way, and not hamper or trammel them, by making new contests, or creating new difficulties of any kind whatever. I do firmly and conscientiously believe that, if this course is adopted, they will succeed in putting the fanatics down, and putting an end to this most unnatural war. These, then, are my motives. These are my objects. I go for the suppression of abolition. I go to maintain the just rights of the South without invading the rights of others. I go to obtain a direct vote upon the whole subject of the abolition of slavery, without being involved in constitutioual contests upon any other points. In one word, I go for a decisive settlement of this question in the manner that I honestly think will best maintain the rights of the South and the peace and perpetuity of this Union. And as I do sincerely believe that the adoption of my resolutions, accompanied by a firm but temperate report, will produce these blessed results, so I shall esteem myself truly happy if I shall be the humble instrument of giving effectual and permanent repose to the South, (to which I am attached by every tie that can bind the heart of man to his natal soil,) and also accomplish the great object of placing this Union once more upon a firm, and solid, and immoveable foundation.

Mr. HAMMOND said it was unpleasant to differ with any gentleman from the South on a question of such importance as this, and peculiarly so to differ from a colleague on a question involving the interests of our constituents so deeply. [Mr. Pinckney said his colleague had mistaken him; they did not differ on principle.] Mr. H. said: sir, we do differ, differ vitally, on principle. I consider the gentleman's proposition as abandoning the high, true, and only safe ground of our rights, to throw ourselves upon the expediency of this House. With regard to the motives of my colleague, upon which he has so largely descanted, whatever may be my opinion of them, I will not express it here. It would not become the dignity of this House, nor my own. This much I will say, that every member of this House knows that these propositions of the gentleman are such as would have been cordially hailed by every friend of the abolitionists at any period of this session. We might at any time have had peace on these terms, if we had condescended to accept it. As to the newspaper article of which he speaks, I knew nothing of it until I saw it in the paper; but, so far as my recollection of it serves me, it contains nothing calumnious or unjust.

I was not prepared for a renewal of these resolutions to-day. I thought that the exhibition of southern feeling on them the other day, and the entreaties of his colleagues, had induced the gentleman to abandon them; I regret to find myself mistaken. What does he propose? That this House shall say they have no power over the subject of slavery in the States. He promises himself great advantages to result from this. Is he so ignorant as not to know that no man, woman, or child, in these United States, entertains a doubt upon this subject? Not one of the abolitionists themselves, in any portion of the country, has ever attempted to raise the question. On the contrary, they have every where given it up in terms; and are we of the South, of South Carolina, to make this new point, and invite them to attack it? The gentleman promises peace and harmony from such a course. Sir, his constituents, as devoted as they are to peace and harmony, will not sustain him in bringing it to them, at the expense of the sacrifice of their most valuable rights. When this question is made, it can be decided only by arms, and the people of the South will laugh to scorn any decision of this House upon it. I entertain no higher respect for it, and for the gentleman's proposition, myself.

The resolution referring all the matters on this subject heretofore before the House to a select committee is giving up the ground on which we have been contending this whole session. We deny the power of this House to act upon the subject at all, and desire to exclude it entirely and forever from these walls. My colleague calls upon you to legislate upon it, and thereby yields you the power to act upon it. Sir, in the name of those with whom I act, I protest against it. He alluded to what was done in 1790. Circumstances have greatly changed since then; there were not then 100,000 disciplined troops embarked in this incendiary project; there were no societies formed for the express purpose of pressing it to an issue; with large sums and steampresses at their command. It was then a mere speculative question; it is now a practical one, of fearful import. We must adopt a stronger and more decided remedy. What good, sir, did the reports of 1790 do? Let the present situation of our affairs answer. The report now sought for will be about as effectual. The gentleman, no doubt, has in his possession the materials of a splendid Sunday mail report; for that is the thing which seems to haunt the imaginations of some members of this House.

[Mr. Pinckney explained, and said that he had no such purpose; and he intended, if the resolution passed, to ask to be excused from serving on the committee, and turn it over to other hands.]

Mr. Hammond said he wished his colleague had manifested the same delicacy with regard to the resolutions themselves, and permitted any other person to have brought them in. But, as he had proposed this measure, it would be great injustice to himself and to the country to permit him to refuse to perfect it. I hope he will not repudiate his own offspring. Sir, what magic does the gentleman suppose a report like this is to possess? Does he think that he can paste it on his shield, and that, like the Gorgon's head, it will turn all to stone who look upon it? I can assure him it will be powerless with Tappan, Garrison, and the rest of the gang. They will not regard it in the least. They have tasted blood, and are too keen upon the scent to be deterred by any thing that can be put on paper, no matter what rhetorical excellences it may possess.

The gentleman says he wishes by this means to preserve the Union. I should like to know how long it is since that gentleman learned to preach homilies on the Union. [Mr. Pinckney. All my life.] Yes, sir, we are all for the Union; but if it can only be maintained at the sacrifice of our rights, that gentleman is very much mistaken if he thinks his constituents will aid him in that sacrifice. Sir, those are not the best friends of the Union who are always preaching it up to us; and when I hear, a person here or elsewhere, put the "Union" in the foreground of his argument, I always suspect he means to give it some secret stab. And, sir, I believe

the adoption of the gentleman's plan of settling this controversy will give it one of the most fatal blows it has ever yet received. For I can assure this House that a Union based upon the principles of that resolution cannot stand. We cannot give up rights, and consent to hold our property at your will. We cannot give up the constitution, and consent to repose our all upon the tender mercies of this House, to be withdrawn whenever they may deem expedient.

The gentleman says he wishes to avoid discussion. It is very clear that his resolutions will produce a contrary effect. They throw the door wide open for discussion. They do more. By thus entertaining respectfully these incendiary petitions, and acting upon them, we shall encourage the abolitionists to persevere in their efforts. They are not men to be deterred by a defeat of this sort. They will consider it a great point gained, if they can get Congress to take up their petitions, and institute a grave legislative action on them. The fanatics will rejoice, heartily rejoice, to see these resolutions.

Mr. Speaker, I do not desire to impugn the motives of gentlemen from the South, who have voted to introduce these resolutions. I hope they are good. I hope we all desire to effect the same object. But, sir, in the name of those I represent, and with those whom I have the honor to act, I solemnly protest against them. I protest against them as conceding to this House a power to legislate upon this subject, which I deny. I protest against them as weakening our position, by making a new question before the country, which is now considered as settled in our favor. I protest against them as opening a wider range for the discussion of this subject. I protest against them as encouraging abolition; and, finally, I protest against them as abandoning the high and true grounds upon which only it becomes the South to place herself in this great and vital controversy.

Mr. BOYD moved the previous question.

Mr. HUNT appealed to him to withdraw the motion, to allow him to offer an amendment.

Mr. WISE joined in the appeal.

Mr. BOYD was compelled, he said, to persist in the motion, as he thought it better that this discussion should stop.

Mr. MANN moved a call of the House; which was negatived by a vote of 75 to 91.

The motion for the previous question was seconded by a vote of 102 to 86.

Mr. GRANGER asked the yeas and nays on the question, "Shall the main question be now put?"

Mr. PATTON moved a call of the House; which was negatived.

Mr. WISE rose to inquire of the Chair what was the meaning and object of the resolution. He had heard it read, but did not yet understand it.

The CHAIR said the gentleman was out of order.

Mr. WISE said he would address his inquiry to the House.

The CHAIR said the gentleman must take his seat.

Mr. WISE appealed from the decision of the Chair to the House, and would state his reasons.

The CHAIR said the gentleman had a right to do that.

Mr. WISE contended that, as gentlemen were compelled to vote upon the resolution, they had a right to know what was its character and purport. If he was called upon to vote for a resolution before he knew what it was, then "order!" "order!" was paramount to reason and law.

Mr. BYNUM would like, he said, to know what was the question before the House.

The CHAIR said he would state it when the gentleman from Virginia had concluded.

Mr. WISE said his point of order was this: he wished to know if the resolution instructed the committee to report whether Congress had the power to legislate on the subject of slavery in the District of Columbia. If it did not, he was opposed to it, *toto cœlo*, and if it did, he was opposed to it on other grounds. The Chair had decided that he had no right to put the question, and from this decision he had appealed. He submitted whether he had not a right to inquire what was the true meaning of the resolution. True, it had been read; but every resolution was not to be understood by hearing it read. It might contain more than it was understood to mean. Give us light and understanding, he said, before we are dragged up here to vote like mules.

The CHAIR said he would state the point of order.

Mr. WISE withdrew his appeal.

The question being taken on the previous question, it was decided in the affirmative: Yeas 118, nays 47. So the main question was ordered to be put.

Mr. VINTON called for the division of the resolution into three several parts; so that the question should be taken on the following clauses separately:

1. "*Resolved*, That all the memorials which have been offered, or may hereafter be presented, to this House, praying for the abolition of slavery in the District of Columbia, and also the resolutions offered by an honorable member from Maine, [Mr. JARVIS,] with the amendment thereto proposed by an honorable member from Virginia, [Mr. WISE,] and every other paper or proposition that may be submitted in relation to that subject, be referred to a select committee."

2. "With instructions to report that Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this confederacy."

3. "And that, in the opinion of this House, Congress ought not to interfere in any way with slavery in the District of Columbia, because it would be a violation of the public faith, unwise, impolitic, and dangerous to the Union."

The CHAIR stated the division indicated was in order.

Mr. HIESTER called for the yeas and nays on the several questions, and they were ordered.

Mr. HOLSEY called for a further division of the resolution, so as to take the question separately on the reference of Mr. JARVIS's resolution, and on the reference of Mr. WISE's resolution.

The CHAIR decided that this was not in order.

Mr. HOLSEY appealed from the decision of the Chair.

The question on the appeal was discussed by Messrs. HOLSEY, BRIGGS, PATTON, WISE, EVERETT, and BELL.

The decision of the Chair was affirmed by the House.

The question being taken on the first member of the proposition, as above divided, it was determined in the affirmative, as follows:

YEAS--Messrs. Adams, Heman Allen, Anthony, Ash, Ashley, Bailey, Banks, Barton, Beale, Bean, Beaumont, Bockee, Bond, Boon, Borden, Bovee, Boyd, Briggs, Brown, William B. Calhoun, Cambreleng, Carr, Casey, George Chambers, Chaney, Chapin, Childs, John F. H. Claiborne, Clark, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushing, Cushman, Darlington, Davis, Deberry, Denny, Dickerson, Doubleday, Dunlap, Efner, Evans, Everett, Fairfield, Farlin, Fowler, Fry, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Granger, Grantland, Graves, Haley, Joseph Hall, Hamer, Hannegan, Hard, Hardin, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hazeltine, Henderson, Hiester, Hoar, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingersoll, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard,

Klingensmith, Lane, Lansing, Laporte, Lawrence, Lay, Gideon Lee, Joshua Lee, Leonard, Lincoln, Logan, Abijah Mann, Job Mann, Manning, William Mason, Moses Mason, Samson Mason, May, McCarty, McComas, McKay, McKennan, McKeon, McKim, McLene, Miller, Milligan, Montgomery, Moore, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Phelps, Phillips, Pinckney, Potts, Reed, Rencher, John Reynolds, Joseph Reynolds, Ripley, Rogers, Russell, Schenck, Seymour, Augustine H. Shepperd, Shinn, Sickles, Sloane, Smith, Spangler, Sprague, Storer, Sutherland, Taylor, Thomas, John Thomson, Toucey, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Webster, Weeks, Whittlesey, Lewis Williams, Sherrod Williams—174.

NAYS—Messrs. Chilton Allan, Bell, Bouldin, Bunch, Bynum, John Calhoon, Campbell, Carter, John Chambers, Chapman, Nathaniel H. Claiborne, Dickson, Dromgoole, Forester, French, James Garland, Rice Garland, Glascock, Graham, Grayson, Griffin, Hammond, Holsey, Henry Johnson, Lawler, Luke Lea, Loyall, Lucas, Lyon, Martin, John Y. Mason, Maury, Mercer, Patton, James A. Pearce, Pettigrew, Peyton, Pickens, Roane, Robertson, William B. Shepard, Standefer, Steele, Taliaferro, Waddy Thompson, Towns, White, Wise—48.

So the first clause was agreed to.

The question being taken on the second member of the proposition, it was determined as follows:

YEAS—Messrs. Chilton Allan, Heman Allen, Anthony, Ash, Ashley, Bailey, Banks, Barton, Beale, Bean, Beaumont, Bell, Bockee, Bond, Boon, Borden, Bouldin, Bovee, Boyd, Briggs, Brown, Bunch, Bynum, William B. Calhoun, Cambreleng, Carr, Carter, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, Childs, Nathaniel H. Claiborne, John F. H. Claiborne, Clark, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushman, Darlington, Davis, Deberry, Dickerson, Dickson, Doubleday, Dromgoole, Dunlap, Efner, Evans, Fairfield, Farlin, Forester, Fowler, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Gillet, Graham, Granger, Grantland, Graves, Haley, Joseph Hall, Hamer, Hannegan, Hard, Hardin, Samuel S. Harrison, Albert G. Harrison, Hawes, Hawkins, Haynes, Hazeltine, Henderson, Hiester, Hoar, Holsey, Hopkins, Howard, Howell, Hubley, Hunt, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Lawrence, Lay, G. Lee, Joshua Lee, Luke Lea, Leonard, Lincoln, Logan, Love, Loyall, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Samson Mason, Maury, May, McCarty, McKay, McKennan, McKeon, McKim, McLene, Mercer, Miller, Milligan, Montgomery, Moore, Morgan, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Patton, Franklin Pierce, Dutee J. Pearce, James A. Pearce, Pettigrew, Phelps, Phillips, Pinckney, Potts, Reed, Rencher, John Reynolds, Joseph Reynolds, Ripley, Roane, Rogers, Russell, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Sickles, Smith, Spangler, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Weeks, White, Whittlesey, Lewis Williams, Sherrod Williams—201.

NAYS—Messrs. Adams, Denny, Everett, Rice Garland, Glascock, William Jackson, Robertson—7.

So the second clause was agreed to.

Mr. WISE, when his name was called, rose and said: I refuse to vote at all upon such a proposition; because to affirm any proposition by declaratory resolution is to admit it needs affirmation; and because Congress has no constitutional power either to affirm or deny any proposition whatever, in relation to slavery in the States.

Mr. PINCKNEY moved that the gentleman be excused from voting; which was agreed to.

The question being about to be taken on the third branch of the proposition—

Mr. UNDERWOOD called for a division of the question on this branch, so as to take the question on the clause declaring that Congress "ought not to interfere in any way with slavery in the District of Columbia," and omitting the reasons therefor.

The CHAIR decided that the division was in order.

Mr. BOULDIN appealed from this decision.

After a discussion of the point of order, by Messrs. UNDERWOOD, BOULDIN, MASON of Virginia, BELL, SUTHERLAND, RIPLEY, and HARDIN,

The decision of the Chair was affirmed by the House.

The question being taken on the first clause of the third branch indicated by the gentleman from Kentucky, [Mr. UNDERWOOD,] it was decided in the affirmative, as follows:

YEAS—Messrs. Chilton Allan, Anthony, Ash, Ashley, Barton, Beale, Bean, Beaumont, Bell, Bockee, Boon, Bouldin, Bovee, Boyd, Brown, Bunch, Bynum, John Calhoon, Cambreleng, Carr, Carter, Casey, John Chambers, Chaney, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Efner, Fairfield, Farlin, Forester, French, Fry, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Graham, Grantland, Graves, Haley, Joseph Hall, Hamer, Hannegan, Hardin, Harlan, Albert G. Harrison, Hawes, Hawkins, Haynes, Henderson, Holsey, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Benja- Jones, Judson, Kennon, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Gideon Lee, Joshua Lee, Luke Lea, Leonard, Logan, Loyall, Lyon, Abijah Mann, Job Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McComas, McKay, McKeon, McKim, McLene, Mercer, Miller, Montgomery, Moore, Morgan, Muhlenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, James A. Pearce, Pettigrew, Phelps, Pinckney, Rencher, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Schenck, Seymour, William B. Shepard, Augustine H. Shepperd, Shields, Shinn, Sickles, Smith, Spangler, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Underwood, Vanderpoel, Wagener, Wardwell, Washington, Weeks, White, Lewis Williams, Sherrod Williams—163.

NAYS—Messrs. Adams, Heman Allen, Bailey, Banks, Bond, Borden, Briggs, William B. Calhoun, George Chambers, Childs, Clark, Corwin, Crane, Cushing, Darlington, Denny, Evans, Everett, Philo C. Fuller, Granger, Hard, Hazeltine, Hiester, Hoar, Hunt, Ingersoll, William Jackson, Janes, Lawrence, Lay, Lincoln, Love, Samson Mason, McCarty, McKennan, Morris, Parker, Dutee J. Pearce, Phillips, Potts, Reed, Russell, Sloane, Sprague, Vinton, Webster, Whittlesey—47.

So the first member of the third clause, as above stated, was agreed to.

The question being then taken on the remaining part of the third clause, it was decided as follows:

YEAS—Messrs. Ash, Ashley, Barton, Beale, Bean,

Bell, Bockee, Bouldin, Bovee, Boyd, Bunch, Bynum, John Calhoon, Cambreleng, Carter, Casey, John Chambers, Chapman, Chapin, Nathaniel H. Claiborne, John F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Craig, Cramer, Cushman, Davis, Deberry, Doubleday, Dromgoole, Dunlap, Efner, Fairfield, Farlin, Forester, French, William K. Fuller, Galbraith, James Garland, R. Garland, Gillet, Graham, Grantland, Graves, J. Hall, Hamer, Hannegan, Hardin, A. G. Harrison, Hawes, Hawkins, Haynes, Holsey, Hopkins, Howard, Huntington, Huntsman, Ingham, Jabez Jackson, Jarvis, Jenifer, Joseph Johnson, Richard M. Johnson, Cave Johnson, Henry Johnson, Kinnard, Klingensmith, Lansing, Lawler, L. Lea, Leonard, Logan, Loyall, Lyon, Abijah Mann, Manning, Martin, John Y. Mason, William Mason, Moses Mason, Maury, May, McComas, McKay, McKeon, McKim, McLene, Mercer, Montgomery, Moore, Morgan, Mulenberg, Owens, Page, Parks, Patterson, Patton, Franklin Pierce, Pettigrew Peyton, Phelps, Pinckney, Rencher, Joseph Reynolds, Ripley, Roane, Robertson, Rogers, Seymour, Augustine H. Shepperd, Shields, Standefer, Steele, Taliaferro, Taylor, Waddy Thompson, Toucey, Towns, Turrill, Vanderpoel, Ward, Washington, Weeks, White, Williams—127.

NAYS—Messrs. Adams, Chilton Allan, Heman Allen, Anthony, Banks, Beaumont, Bond, Boon, Borden, Briggs, Brown, W. B. Calhoun, Carr, C. Chambers, Chaney, Childs, Clark, Corwin, Crane, Cushing, Darlington, Denny, Dickerson, Evans, Everett, Philo C. Fuller, Granger, Haley, Hard, Harlan, Hazeltine, Henderson, Hiester, Hoar, Howell, Hunt, Ingersoll, W. Jackson, Janes, Judson, Kilgore, Lane, Laporte, Lawrence, Lay, J. Lee, Lincoln, Love, Job Mann, Samson Mason, McCarty, McKennan, Miller, Milligan, Morris, Parker, D. J. Pearce, Phillips, Potts, Reed, Russell, Schenck, Shinn, Sloane, Smith, Spangler, Sprague, Storer, John Thomson, Underwood, Vinton, Wardwell, Webster, Whittlesey, Sherrod Williams—75.

So the remainder of the third clause was agreed to.

The question being on the remaining portion of the resolution, it was read as follows:

"Assigning such reasons for these conclusions as, in the judgment of the committee, may be best calculated to enlighten the public mind, to repress agitation, to allay excitement, to sustain and preserve the just rights of the slaveholding States and of the people of this District, and to re-establish harmony and tranquillity amongst the various sections of the Union."

The question was taken on agreeing to this residue of the resolution, and determined it the affirmative, as follows:

YEAS—Messrs. Adams, Chilton Allan, Anthony, Ash, Banks Beale, Bean, Beaumont, Bell, Bond, Boon, Borden, Bouldin, Boyd, Brown, Bunch, Bynum, John Calhoon, William B. Calhoun, Cambreleng, Carr, Carter, Casey, George Chambers, John Chambers, Chaney, Chapman, Chapin, N. H. Claiborne, J. F. H. Claiborne, Cleveland, Coffee, Coles, Connor, Corwin, Craig, Cramer, Crane, Cushing, Cushman, Darlington, Deberry, Dickerson, Doubleday, Dromgoole, Dunlap, Fairfield, Forester, French, Fry, Philo C. Fuller, William K. Fuller, Galbraith, James Garland, Rice Garland, Gillet, Graham, Grantland, Graves, Haley, Joseph Hall, Hamer, Hannegan, Hardin, Harlan, Albert G. Harrison, Hawkins, Haynes, Hazeltine, Henderson, Holsey, Hopkins, Howard, Howell, Hubley, Huntington, Huntsman, Ingersoll, Ingham, Jabez Jackson, Janes, Jarvis, Jenifer, R. M. Johnson, Cave Johnson, Judson, Kilgore, Kinnard, Klingensmith, Lane, Lansing, Laporte, Lawler, Joshua Lee, Luke Lea, Leonard, Lincoln, Logan, Love, Loyall, Abijah Mann, J. Mann, Manning, Martin, J. Y. Mason, William Mason, Moses Mason, Samson Mason, Maury, McComas, McKay, McKeon, McKim, Mercer, Miller, Milligan, Montgomery, Morris, Muhlenberg, Owens, Page, Parker, Parks, Patterson, Franklin Pierce, Dutee J. Pearce, Pettigrew, Peyton, Phelps, Pinckney, Rencher, Joseph Reynolds, Roane, Robertson, Rogers, Schenck, Seymour, Augustine H. Shepperd, Shields, Shinn, Smith, Spangler, Sprague, Standefer, Steele, Storer, Sutherland, Taliaferro, Taylor, Thomas, John Thomson, Toucey, Towns, Turrill, Underwood, Vanderpoel, Vinton, Wagener, Ward, Wardwell, Washington, Webster, Weeks, White, Whittlesey, Lewis Williams, Sherrod Williams—167.

NAYS—Messrs. Heman Allen, Evans, William Jackson, Lawrence, Phillips, Sloane—6.

So the whole resolution was carried, and the committee ordered to consist of nine.*

Mr. GARLAND, of Louisiana, asked the consent of the House to permit him, and also the gentlemen from Georgia and Virginia, [Messrs. GLASCOCK and ROBERTSON,] to enter their reasons on the journal for the vote given by them on the resolution just adopted.

Objection being made, Mr. GLASCOCK moved to suspend the rules for that purpose; which was disagreed to.

UNITED STATES AND FRANCE.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

The Government of Great Britain has offered its mediation for the adjustment of the dispute between the United States and France. Carefully guarding that point in the controversy, which, as it involves our honor and independence, admits of no compromise, I have cheerfully accepted the offer. It will be obviously improper to resort even to the mildest measure of a compulsory character, until it is ascertained whether France has declined or accepted the mediation. I therefore

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* *From the National Intelligencer.*

HOUSE OF REPRESENTATIVES,
February 10, 1836.

Messrs. GALES & SEATON: I perceive in the daily Intelligencer of this morning, a statement of the yeas and nays on the resolution of Mr. Pinckney in relation to the subject of slavery. I was, unavoidably, absent from the House on Monday. Had I been present, I should have voted ay on the first clause of the resolution, fully believing that the whole subject ought to be referred to a committee. On the second clause, which affirms "that Congress possesses no constitutional power to interfere with slavery in the States," I should have also voted ay. On the third clause, which declares that "Congress ought not to interfere in any way with slavery in the District of Columbia," I should have voted no, for this, among other reasons: that I believe Congress ought to interfere with the slave trade in the District. The last clause, which directs the committee to assign reasons why Congress ought not to interfere with slavery in the States or in the District, would have presented some difficulties, especially as all the other parts of the resolution had been adopted when the vote was taken on it. I should, however, have placed my name among those of the six gentlemen who voted no, on the ground that the appointment of counsel by the House to argue one side of a question submitted to their consideration, without power to investigate the other, is not well sustained by precedent, and but poorly calculated to give weight and character to the argument they might produce.

You will oblige me, gentlemen, by inserting this in your to-morrow's paper.

Very respectfully, your obedient servant,

HILAND HALL.

recommend a suspension of all proceedings on that part of my special message of the 15th of January last, which proposes a partial non-intercourse with France. While we cannot too highly appreciate the elevated and disinterested motives of the offer of Great Britain, and have a just reliance upon the great influence of that Power to restore the relations of ancient friendship between the United States and France, and know, too, that our own pacific policy will be strictly adhered to until the national honor compels us to depart from it, we should be insensible to the exposed condition of our country, and forget the lessons of experience, if we did not efficiently and sedulously prepare for an adverse result. The peace of a nation does not depend exclusively upon its own will, nor upon the beneficent policy of neighboring Powers; and that nation which is found totally unprepared for the exigencies and dangers of war, although it come without having given warning of its approach, is criminally negligent of its honor and its duty. I cannot too strongly repeat the recommendation already made to place the seaboard in a proper state of defence, and promptly to provide the means for amply protecting our commerce.

ANDREW JACKSON.

WASHINGTON, *February* 8, 1836.

On motion of Mr. MASON, of Virginia, the message was referred to the Committee on Foreign Affairs, and ordered to be printed.

The House then, at a quarter after five o'clock, P. M., adjourned.

TUESDAY, FEBRUARY 9.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. GARLAND, of Louisiana, offered, on the part of himself and Messrs. GLASCOCK, of Georgia, and ROBERTSON, of Virginia, a protest, to be entered on the journal, against the first clause of the instructions contained in the resolution of the gentleman from South Carolina, adopted yesterday.

The protest was read, as follows:

The undersigned, who voted in the House of Representatives on Monday, the 8th instant, against the first clause of the instructions to the select committee proposed to be raised under the resolution offered by Mr. PINCKNEY, to which "all the memorials which have been offered or may hereafter be presented to this House, praying for the abolition of slavery in the District of Columbia, and also the resolution offered by an honorable member from Maine, [Mr. JARVIS,] with the amendment thereto proposed by an honorable member from Virginia, [Mr. WISE,] together with every other paper or proposition that may be submitted in relation to the subject," are to be referred; which clause is as follows: "that Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this confederacy," did so vote, and now protest against said clause:

1. Because the constitutional power of Congress "to interfere in any way with the institution of slavery in any of the States of this confederacy" is not brought in question, or in any manner referred to, in any memorial that has been presented, or in the resolution mentioned, or the amendment thereto, and we will not consent to have so vital and important a proposition brought forward gratuitously, referred to a committee of this House, reported on, and reasons given for a conclusion, not open to discussion, thereby, as we conceive, admitting the power of Congress to entertain the question, and asking its opinion upon a subject about which it has no right to express one.

2. Because believing, as we do, that it is undeniable "Congress possesses no constitutional authority to interfere in any way with the institution of slavery in any of the States of this confederacy," it is our intention to prevent any discussion of that question, so far as it is in our power, or even its submission as a proposition to Congress; and being determined now, and at all other times, to resist any such assumption of authority, we will not permit any doubt of such absence of constitutional power to be questioned or inferred by consenting to refer it to the committee of a body having no jurisdiction, and obtaining from it a disclaimer of a want of such authority.

The undersigned having been prevented from stating their objections in the House to the aforesaid clause in the instructions, by the previous question having been called for and sustained, within one hour after this most important resolution was submitted, now, to prevent all misconception or misconstruction as to their motives and opinions, submit this their solemn protest against this House entertaining any such proposition, and respectfully ask that it, and their reasons, as herein briefly stated, may be entered on the journal.

RICE GARLAND,
THOMAS GLASCOCK,
JOHN ROBERTSON.

HOUSE OF REPRESENTATIVES, *February* 9, 1836.

Objections being made,

Mr. GARLAND moved that the rules be suspended for the purpose of enabling him to offer the paper; and, thereupon, he asked the yeas and nays; which were ordered.

The question being taken on suspending the rules for this purpose, it was decided in the negative: Yeas 81, nays 136.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. MILLER in the chair.

NAVAL APPROPRIATION BILL.

On motion of Mr. CAMBRELENG, the committee took up the bill making appropriations for the naval service for the year 1836.

The bill had before been under the consideration of the Committee of the Whole, and the pending amendment was Mr. CAMBRELENG'S to strike out $950,000 and insert the sum of $2,000,000, for repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission, and completing those on the stocks.

Mr. CAMBRELENG withdrew the amendment, so as not to embarrass the passage of the present bill, and especially as the subject would come up in a separate bill, to be reported by the Committee on Naval Affairs. This being the ordinary appropriation bill, and Mr. C. having withdrawn the only amendment pending, he hoped it would pass without delay.

Mr. BELL moved to reduce the several appropriations for the navy yards one half the amount proposed in the bill. Mr. B. read the various items proposed, and maintained that such large appropriations might not be passed, in the prospect of a contingency that might probably ensue. The items were as follows:

For improvements and necessary repairs of the navy yard—

At Portsmouth, New Hampshire,	$67,000
At Charlestown, Massachusetts,	199,000
At Brooklyn, New York,	84,300
At Philadelphia, Pennsylvania,	11,750
At Washington,	37,500
At Gosport, Virginia,	167,000
At Pensacola,	64,000

Mr. JARVIS thought the gentleman should at least examine whether the appropriations were necessary or not, before he made a sweeping motion to reduce the whole of them indiscriminately one half. Mr. J. then

read various estimates and details from the officers of the Department, in reference to the proposed items. Mr. J. said, whether there was peace or war, these works should be completed.

Mr. BELL again opposed the items, on the ground that this was not the time to make such an extraordinary outlay of the public money, when the public resources might be wanted for other objects. He then modified his motion, in order to test the question, by confining the amendment at present to the first item, and moved that the appropriation for the navy yard at Portsmouth, New Hampshire, be reduced to $33,500, being one half the amount proposed in the bill.

Mr. SUTHERLAND said he would vote for the proposed appropriations, unless gentlemen could show that they were unnecessary, or incorrect. In the first place, an appropriation was asked, for the purpose of making a timber shed: that he considered necessary for the preservation of the timber. Another was for a mast and boat house: that he also considered necessary, whether there should be war or not. A timber dock was also asked for: that the officers whose duty it was to attend to that business had thought necessary; and he would take their word, unless gentlemen could show that they were incorrect.

Mr. CUSHMAN hoped the motion of the gentleman from Tennessee [Mr. BELL] would not prevail. It was his intention, if the pending amendment was negatived, to ask for an additional sum for the navy yard at Portsmouth, New Hampshire. The improvements proposed by the Naval Committee were absolutely necessary in time of peace, and no remark which he should make would be predicated upon the supposition of a war with France. That Power, he was persuaded, would not persist in her refusal to carry into effect the treaty of 1831. The appropriation asked for was not made upon the ground supposed by the gentleman from Tennessee; it had no reference to a war with France. It was a wise saying and a correct principle, which should never be lost sight of, that in peace we should prepare for war. He repeated, that the proposed improvements and repair of the navy yard at Portsmouth were absolutely necessary, under any state of things. He had three weeks ago submitted a resolution, directing an inquiry into the expediency of erecting one or more wharves at this navy yard, and it was for this object he contemplated asking for an additional sum to that contained in the bill.

Mr. PARKER replied to Mr. BELL, and recited the clauses of an act of Congress authorizing the construction of certain navy yards, and the report of the Department made to Congress. Mr. P. maintained at length that the proposed appropriations were necessary, and it was false economy to suppose any thing would be saved by reducing them one half.

Mr. WHITE, of Florida, said, so far from the reduction of that for the navy yard at Pensacola being possible, he intended to move to double the proposed appropriation as soon as the proper time arrived.

The CHAIR said that point was not then under consideration.

Mr. UNDERWOOD said he had looked into the appropriations for Portsmouth for the last two years. He found that in 1834 it was $40,700, and in 1835, $39,925, while $67,000 was proposed for the present year, the only explanation of which was, that a large portion of it was required for erecting sheds to preserve the live oak timber. He thought, at least, the appropriation should be reduced to the limit of the last two years, and not contain an excess of between $20,000 and $30,000. He said the House was very economical in small matters, and a trifling proposition, handed in by himself to the Committee on the Rules, to furnish lists of yeas and nays for the people, was returned to him by the chairman of that committee, [Mr. MANN, of New York,] on the ground of the expense. Mr. U. complained of the extravagance of the proposed items in this bill, and hoped they would be amended. The members of the committees in charge of this bill came generally from the large cities, and they were therefore more interested in the proposed appropriations.

Mr. D. J. PEARCE, of Rhode Island, said it was argued that they ought to curtail these appropriations, because there was a surplus on hand from last year. All the money on hand, he conceived, was pledged; some portions for the payment of the crews of vessels on long voyages, and for timber and other materials contracted for. There was, at the end of every fiscal year, an unexpended balance, but that balance was pledged, and could not be transferred, for any other purpose whatsoever. He was in favor of making appropriations speedily, to finish the works already commenced; because delaying the completion of the kind of work contemplated in this item generally resulted in a loss of twenty per cent. He would take the estimates and recommendations of the navy board, or the Secretary of the Navy, as correct, unless gentlemen could show that those statements were erroneous.

Mr. PHILLIPS should vote for this appropriation, as he should vote for every other, for a public object, where nothing could be adduced against its propriety and necessity. He was satisfied that, from the increase of materials, and for other reasons, the estimated amount was not too large. Mr. P. entered at length into sundry statements connected with the subject, and the unexpended balances under the acts of 1827 and 1833. Mr. P. should like to know from the chairman of the Naval Committee, what amount remained of the unexpended balance on this navy yard, for the last year.

Mr. JARVIS replied that it was impossible for him to say what amount remained unexpended of a balance of $1,750.

Mr. PHILLIPS admitted the item was very trifling, but he should apply the same principle to all the unexpended balances of the other items, and he should renew the same inquiry upon each of them. He complained that no statements of those balances had been furnished from the Departments. He thought the chairman of the committee should be prepared with them.

Mr. DUNLAP said it could not be expected that those who came from a different section of country than that where these works were situated should vote for them without statements or estimates. He was ever ready to vote for appropriations that were requisite, but he could not conceive that it was necessary to vote a sum of $18,000 to erect a shed to protect timber, at least until his mind was satisfied that it was indispensable: he never should vote to appropriate the people's money for this purpose. He hoped the amendment would prevail.

Mr. BELL explained that he was not so much opposed to the appropriation itself, as he was to such large appropriations at this time. It was with him a mere question of expediency; for, in case of war, the money would be wanted to equip ships of war, and put the country in a state of defence. He did not want to delay this bill, but he pledged himself at a future day to go into the whole subject, not only of our foreign relations, fortifications, &c., but of the whole civil establishment of the Government.

Mr. CAMBRELENG was happy to hear that it was not the gentleman's [Mr. BELL's] purpose to oppose the passage of the ordinary appropriation bill, for Mr. C. thought he knew that gentleman too well to suppose he would waste his fire upon so small an occasion. The gentleman had told them that, on a proper occasion, he would come forward. Mr. C. hoped the gentleman would then give them his views, and he hoped, when he

did so, that he would be more successful in explaining them than he had been on this present occasion, to this House. Mr. C. had been unable to understand what the gentleman had been driving at. The gentleman said, whether war or peace was to ensue, he wished to reserve our funds, in order, if called upon for large appropriations, they might apply them to the proper object. Well, taking this for granted, suppose they should be called upon to make large appropriations during the present session, to defend ourselves from war with France, was this the place the gentleman proposes to save the means to do it? Would he propose to diminish the conveniences of the navy yards in such a crisis? Let any man look to the present condition of our navy yards, and compare them with the most insignificant Power of Europe—Sweden, Denmark, or any other petty Power of the Atlantic—and what were they? They were in as bad a condition as our fortifications. Mr. C. then referred to the acts by which a gradual increase of the navy had been authorized, and compared the proposed items in this bill with those of former years, to show that they varied in some particulars, some more and some less. He had hoped, when he withdrew the amendment of $2,000,000, that the bill would have gone speedily through the committee. He had withdrawn that proposition for the purpose of facilitating the passage of the ordinary appropriation bill, and he did not anticipate the opposition of the gentleman from Tennessee, [Mr. Bell.] Mr. C. said that, be the result of our foreign relations what they might, he should vote to put this country in an attitude for war, not only upon the ground of expediency, but upon the ground of policy, not to suffer this nation to be insulted by every Power on earth. He hoped the bill would pass as it stood.

Mr. HARDIN said he could not but admire the largeness of the views of the gentleman from New York [Mr. Cambreleng] upon the subject of those appropriations. A bill, amounting altogether to the sum of about four hundred thousand dollars, was considered so small a matter in his eyes that he could not perceive how gentlemen could object to it. And a gentleman from Pennsylvania [Mr. Sutherland] had said that they ought to take all the estimates and recommendations of the Departments as correct, until the contrary was shown. He thought if that gentleman would look around he would see that it was almost impossible for members on that floor to show that those estimates were not correct, even if that should be the case; and, according to that doctrine, the House would have to give all that the Departments asked. He thought, however, he saw the object of gentlemen in recommending large appropriations. He thought they were in reality nothing but a trick to get all the surplus revenue expended on the seaboard; and not to give the western country a cent of it.

Mr. PARKER said that a part of the increase of expenditure was on account of the increase in pay of officers of the navy, and the greater number of men required this year over the last; and he hoped the committee was ready to vote on the subject, and that the original appropriation would be sustained.

Mr. PHILLIPS explained. He said he had asked the chairman of the Committee of Naval Affairs, whether he could furnish the committee with a statement of the amount of the unexpended balance of last year, as he could not ascertain from the documents whether it had been expended or not; and he thought the House was getting into a loose way of making appropriations. With regard to the navy, he was in favor of the most liberal expenditure; but he did not wish to expend money, unless it was actually necessary. If they would give him the information, he would probably go as far in favor of appropriations for the defence of the country as any other gentleman.

On motion of Mr. MANN, of New York, the committee then rose, reported progress, and

The House adjourned.

Wednesday, February 10.

NAVAL APPROPRIATION BILL.

The committee resumed the consideration of the bill making appropriations for the naval service for the year 1836. The question pending was the proposed amendment of Mr. Bell, to reduce the appropriation for the improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, from $67,000 to $33,500.

Mr. MANN, of New York, said that when he made the motion yesterday that the committee rise, it was not with a view to enter into this debate, and he would not trouble the committee with but a very few general remarks. On looking into the estimates for the current year, for the navy, it will be perceived that the whole increase asked for by the navy board, constituted for the express purpose of supervising this important arm of the public service, combining great experience and fidelity, "having seen some service," amounts to the sum of $622,151 75; a sum certainly very moderate, considering the state of the country, and its proud financial condition. This increase, we are informed, is occasioned by the proposed addition to the force to be employed in commission, and in consequence of the increased pay of the officers, under the law of the last session. As to the immediate question before the committee, the improvement and repair of the navy yard at Portsmouth, and the other navy yards of the United States, it seems to me, Mr. Chairman, that its importance must be apparent to the committee, and to the country, whether we contemplate the contingencies of our foreign relations or not. For this purpose the increase of appropriation asked for is $287,010. The commissioners deem this necessary to meet the immediate wants of the public service. The commissioners remark that, "although much has been done in the different yards since the adoption of approved plans under the law of 3d of March, 1827, much still remains to be done to provide adequate means for the preservation of the materials which a prudent foresight has directed to be collected for future use, or to prepare the necessary conveniences for building, repairing, and equipping ships with proper economy and despatch." This recommendation is clear and explicit, emanating from a source entitled to great respect, and which, I presume, will not be suspected of "Executive dictation to Congress," to use the favorite language of some gentlemen. The importance of these great naval depots, for the construction and repair of the navy, must be apparent, even to gentlemen representing the great West: for they are equally so, in truth, to every part of this wide country. Sir, let me ask those gentlemen to reflect upon their vast interests; their immense commerce floating down the Mississippi, and requiring more protection in the Gulf of Mexico than is now afforded to it, and that too from the navy. That portion of our coast seems to me to require more adequate provision for its defence; and I would vote without scruple an appropriation for a dry dock, to be constructed at the navy yard at Pensacola, to enable our ships cruising there and in the West Indies to repair and refit; to enlarge that navy yard, and supply it with every requisite to be useful and efficient. The true policy of the country requires that these great naval depots should be well prepared and supplied with all the material of naval preparation. Believing this, for myself, sir, (said Mr. M.,) I do not see the propriety of agreeing to the motion of the gentleman from Tennessee, [Mr. Bell,] to reduce the appropriation for the improvement and repair of the navy yard at Portsmouth.

Generally, sir, (said Mr. M.,) I believe I have been considered as radical in respect to appropriations of the public money. True, sir, I have always endeavored, as far as my vote would go, to withhold appropriations of a personal chatacter, made for individual and personal objects of aggrandizement to the officers of the Government. So, too, for local and sectional purposes.

In respect to public objects—great purposes of national defence—objects confided to the national Government by the constitution, I have endeavored to distinguish in my action. Believing these distinctions, to exist, and that they are apparent, it will not be necessary for me to defend myself against any charges of seeming inconsistency in voting for this appropriation, and such others of the same character as may appear necessary and proper.

These estimates (said Mr. M.) are made upon the basis of peace, with a prudent foresight, however, to any contingencies which await us. It is not necessary now to consider or debate our relations with other nations. Those relations are in a delicate condition at present, but we have a right to hope they will not be more seriously disturbed. Whether they are so or not, the measure now under consideration seems to be required by all the motives of prudence and patriotism.

Mr. EVERETT inquired of the Chair, if it would be in order to move to strike out the whole clause.

The CHAIR replied, not at that stage of the bill. The motion would be in order after the amendment had been acted on.

Mr. EVERETT said he was in favor of putting the navy yards that were necessary for the service in perfect condition. He thought, however, that the present number was more than was necessary. We had now seven, viz: at Portsmouth, Charlestown, New York, (Brooklyn,) Philadelphia, Washington, Gosport, and Pensacola; that, of these, three might, without injury to the service, be discontinued, viz: at Portsmouth, Philadelphia, and Washington; at least, that we ought not to erect any new works at these places, but only keep them in repair for the present, and ultimately discontinue them; and that all the appropriations for additional improvements should be thrown on the four navy yards that were to be continued. The expense of maintaining the yards, independent of the cost of the permanent works, was worth saving. To each yard were attached commandants, navy agents, clerks, guards, &c. &c. If gentlemen, however, would not be willing to go with him in discontinuing the three navy yards, he thought there were strong reasons for discontinuing the one at Portsmouth. It was within sixty miles of that at Charlestown. That yard was sufficient for the coast east of the Cape; the principal materials from the South, live oak, &c., must all pass that depot in their way to Portsmouth. He saw no reason for maintaining two yards so near each other, and which were not required for the use of the naval service. The appropriation now asked for was for the erection of new works, with a view to the permanent continuance of the station. For one, all he was willing to do at present was, to provide for its present preservation; whatever should be necessary for this purpose he would vote for. What the unexpended balance of appropriation was for Portsmouth he was not informed. On the 1st January, 1834, it was over $12,000, and $39,925 was then appropriated; and he wished to know whether this had been expended. When the present motion was decided, he should move to strike out the whole appropriation, with a view to elicit information of what was necessary for repairs, and to have the appropriation limited to that purpose only.

When called upon to vote for appropriations, he was desirous of being informed for what object the money was to be expended, of the character of the works required, as well as of their necessity. A new doctrine, and to him it seemed a dangerous one, had been advanced, to which he could not assent—that we should receive the estimates of the Departments as *prima facie* evidence of the necessity and propriety of the works proposed. This was a degree of confidence which, as a representative of the people, he was unwilling to repose in any administration. This House was the keeper of the keys of the Treasury, and responsible to the people for the expenditure of its treasure. We could not surrender the keys to the Executive without betraying our trust. The people were entitled to call on their representatives for a reason for every expenditure. Would the people be satisfied with the answer that it was asked for by the Executive? For one, he was desirous in all cases to obtain such information as would enable him to give a more satisfactory answer.

If the estimates are to be taken as *prima facie* evidence of the propriety and necessity of public works, they must to nineteen twentieths of the House be conclusive. Those few representatives who reside in the vicinity of the place where the works are to be erected only can judge from actual knowledge, and they, too, are not very likely to be prejudiced against them. They will not at least be induced to search for objections. Take the present case as an illustration: The honorable gentleman, [Mr. CUSHMAN,] who represents the section of country around Portsmouth, is not even satisfied with the present estimate, and has given notice he shall move to increase it. A similar notice has been given in relation to the appropriation for Pensacola. He contended that such information should accompany the estimates as would satisfy the committees, and enable them to satisfy the House, of the propriety of the appropriations.

Mr. E. further contended that the House ought to be informed, not only of the necessity of the work proposed, but of the plan on which the money was to be expended. They had a right to know, not only the general object proposed, but the means by which it was to be effected; to see that their money was not wasted by inefficient or extravagant expenditures. All that seemed now required of the representatives was to vote the money for general objects, and let the Executive expend it at its own discretion. In his opinion, in appropriations for all new works, the plan of expenditure should be exhibited to the House, and not only exhibited, but should be sanctioned and prescribed by the act of appropriation. This was, he thought, very properly proposed to be done in a bill now pending, for the erection of buildings for the State and Treasury Departments; the bill prescribed they should be erected according to the plan which is now exhibited on the wall of this House. He could refer to instances of an opposite character, in which the country had suffered, and might yet suffer, for the want of similar provisions.

An appropriation was made for the armament of the navy: the manner was left to the Executive, and by the Executive to experiments of the navy commissioners. Under their experiments, the weight of the guns, in proportion to their caliber, was reduced; and the result is, that you have now seven hundred and fifty guns in your navy more dangerous to the crews than to an enemy.

Another case: In 1833, an act passed appropriating $200,000, on estimates, too, for building a bridge over the Potomac, between this city and Alexandria. The estimates were for a bridge of wood, and sufficient for the purpose; yet the act did not, though the estimates did, say that the bridge should be made of wood. The act merely provided for a bridge, but prescribed no plan on which it was to be built. Under this $200,000 act, a contract was made with a Mr. Dibble to erect a

stone bridge, for which he was to receive one million three hundred and fifty thousand dollars, ($1,350,000.) And even this, by a very competent judge, was deemed less than one third of what the bridge would have ultimately cost. Mr Baldwin, an eminent practical engineer, estimated that it would cost four millions seven hundred and ninety-one thousand six hundred and twenty dollars. The country owes the defeat of this magnificent expenditure to the vigilance of the honorable chairman of the Committee on Roads and Canals, [Mr. Mercer.] On his report the act was repealed by the almost unanimous vote of the House, and a wooden bridge ordered; and which has been completed for something less than $120,000.

He would instance another magnificent project now in progress—the New York custom-house. The House had prescribed no plan for this work, nor fixed any limit to its cost. They had voted ahead half a million, and the work was hardly yet visible above ground; what, with its columns and decorations, it would cost, he could not estimate; probably some millions of dollars. A fourth case: We had now before us a bill appropriating large sums for what might be called floating fortifications, yet to be erected, on sites yet undesignated and unpurchased.

In all cases, he thought the House should not only judge of the general utility of any proposed object of expenditure, but should, as far as practicable, limit the discretion of the Executive in the expenditure.

A new and strong motive for economy is now presented—a motive which would have its influence on him in regard to every expenditure. He looked forward to the passage of a bill now in progress for the distribution of the proceeds of the public lands, in effect, of the surplus revenue, among the States. He trusted the bill would pass the present session. The principle was one of those on which the present Executive came into power; it had been favorably noticed in the message of 1829; it had been recommended by the Legislatures of many of the States. He would now guard the Treasury with the same vigilance as though it were already a law, with the same vigilance as though the surplus revenue had already been actually divided among the States, and the questions now were on calling it back and reappropriating it to objects of national concern.

Some gentlemen had advocated the appropriation as more necessary in view of our present relations with France, and had taken the occasion to avow their course on war appropriations. He considered this as a bill founded on peace estimates. Other bills reported looked to other prospects. He would not regard this bill as having any relation to war. And he wished to be distinctly understood that he would not be induced to abandon the principle of economy to which he had referred from any imaginary danger of war; that he would vote for no war appropriation, unless he believed there was danger of war; that then he would go as far as the farthest, but that at present he had no such apprehension; that he could not, from any mere imaginary danger, be induced to depart from the principle of economy, and permit irrevocable appropriations to be made, to the peculiar advantage of any section of the country. He thought it not improbable that some who agreed with him on the leading principle might differ from him in its application. The appropriations for the navy and for fortifications would be expended on the seaboard. The money of the Government, like the water of its streams, runs to the ocean. He trusted that those who represented the hill country would not be uncharitably judged by their brethren, if they should not be satisfied so easily as themselves of the necessity of every appropriation. Should the current be reversed—should the money ever run up stream, and beyond the proper constitutional limits of internal improvement—they would expect a similar jealousy on the part of the seaboard. Indeed, they think they have seen something of the kind already.

Two years since it pleased the Committee of Ways and Means to drop from the harbor bill the appropriation of the $30,000 for surveys—this only remnant of the system of internal improvement left to its friends. A motion was made to insert it, but failed, and failed, too, by the opposition of the tide-water votes. What was the consequence? The hill country saw that, while they were voting millions for others, not a cent could be expended above tide water. They united, and laid the harbor bill on the table by a majority over twenty; and there it would have laid till this time, had not the $30,000 been inserted. He would excite no sectional jealousy, but would insist that equal justice should be done to all parts of the country; and it would be the fault of those who united on that occasion if it was not done. He was not willing there should be one constitution for the seaboard and another for the country.

He was willing to vote for every necessary appropriation for fortifications, for the navy, and for navy yards. He would put the four principal navy yards in the best condition, but he could not vote for unnecessary objects, useless objects of expenditure. Such he conceived that of the navy yard at Portsmouth. Though he did not propose now to abandon it, he would not consent to enlarge it. Ultimately, be trusted, it would be discontinued.

Mr. LINCOLN was in favor of the whole bill as it stood, and contended at length for the necessity of keeping the navy yards in a state of complete repair; for, both in time of war and in time of peace, they were indispensable. It was an error to say that no statements had been furnished to the House; for a report had been sent in embracing the very subject under consideration, both from the Secretary of the Navy, in general terms, and from the commissioners of the navy, in detail. Better authority, better evidence, could not be adduced. Would any gentleman in the House, or the gentlemen from Tennessee and Kentucky in particular, [Messrs. Bell and Hardin,] presume to say they understood the subject better than the head of the Navy Department, or the commissioners of the navy? Mr. L. then referred the report of the Secretary of the Navy, and the statements and recommendations of the board of commissioners, a body of gentlemen selected as being the best qualified in the country, and conversant with the subject from their youth. The works were proved indispensable, and the onus was upon the mover of the amendment to prove that one half the sum proposed in the bill would be sufficient for the completion. Mr. L. did not believe there would be war; and he was mistaken if he did not see the lowering cloud dispelled by the President's recent message. He did not believe war was contemplated or anticipated, and the very appropriations now asked for justified that conclusion. He believed, if war had been apprehended, more direct, specific measures would long ere this have been recommended. This he believed, too, in view of the admonition of the chairman of the Committee of Ways and Means [Mr. Cambreleng] yesterday, that he would put this country into a state of defence. If war should come, Mr. L. would stand by his country to the last, but he had no anticipations of any thing but peace at present. He hoped the bill would pass without reduction.

Mr. SMITH said there were two features in the remarks of the honorable member from Vermont [Mr. Everett] which excited his special admiration. I allude now, sir, to his profound love of economy in the expenditure of the public money, and to his frankness in avowing the ultimate purpose which he has in view

in opposing the particular appropriation now before the committee, for the navy yard at Portsmouth.

But, sir, it has often fallen under the observation of most men, that those who set up for great economists in the abstract are not always the most economical in fact, when they come to the application or practice of what they call economy. And I believe (said Mr. S.) that this remark will be found particularly true in relation to that class of expenditures of the public money to which the honorable member from Vermont has ever been foremost in giving his most liberal support. But of this by and by.

The gentleman from Vermont avows his object in opposing this item in the bill for the Portsmouth navy yard to be, not simply to defeat this appropriation, but to discontinue and abolish the yard at Portsmouth entirely.

And what, sir, are his reasons for opposing the appropriation itself? Why, the first reason with which he sets out cannot but illustrate to every member of this committee, most satisfactorily, that the gentleman has taken but a one-sided view of the subject—that he looks but one way in relation to it. He says there is no necessity for building up and keeping in repair the yard at Portsmouth, because within sixty miles westwardly, that is, at Charlestown, Massachusetts, the Government has an extensive navy yard and depot. Why, sir, if the gentleman had but looked in the other direction, he would have at once seen a distance of three hundred miles of seacoast, upon the east of Portsmouth, where not a single dollar of naval preparation has been made by Government for the defence of the country against any enemy. If it be an argument against the continued existence of the navy yard at Portsmouth, that another yard is supported within sixty miles on the west of it, is it not a much stronger argument in favor of its continuance at Portmouth, that no other navy yard or depot has been provided by Government for the wide distance of three hundred miles on the east of it? If it be true, sir, that the absence of all naval preparation by the Government through the whole extent east of Portsmouth is the result of necessity, and from the want of suitable waters for the purpose on that seacoast, or that it is the result of other sufficient causes, it is equally obvious that the nearest point that you can approach to that unprotected coast is the most suitable point for such a provision of Government as is in question. With this understanding of localities, no gentleman, as it seems to me, should think of discontinuing the navy yard at Portsmouth under any circumstances.

But the gentleman from Vermont urges other reasons in opposition to this appropriation, and perhaps they are equally cogent with that to which I have just adverted. He says the appropriation ought not to be made, because the Government has appropriated, or is about appropriating, some million or more of dollars to erect a custom-house in the city of New York; and because, forsooth, the Government appropriated some considerable amount—I know not how much, but probably an extravagant sum—to construct a bridge across the Potomac river. Sir, there is no doubt a very striking connexion between these subjects and the navy yard at Portsmouth, in the mind of the gentleman from Vermont, although I confess I am totally unable to perceive it.

[Mr. EVERETT asked leave to explain. He said the gentleman from Maine had misunderstood his remarks. That he alluded to the expenditures relative to the custom-house at New York, and the Potomac bridge, as cases in which the acts of appropriation prescribed no plan of the works to be constructed. The same objection, said he, applies to the appropriation now proposed at Portsmouth. We want evidence of its necessity.]

Mr. SMITH proceeded. I am happy to take the explanations of the gentleman. But how is his argument relieved by it? Have we not evidence before us of the necessity and propriety of this appropriation? The honorable member from Massachusetts [Mr. LINCOLN] has already adverted to the recommendation of the Secretary of the Navy upon the subject; and also to that of the board of navy commissioners. Yet another document from the board of navy commissioners pronounces, in so many words, this class of works, at the navy yards mentioned in the document, including the one at Portsmouth, as among the "most important" of the Government's works. Besides these recommendations from the board of navy commissioners, backed by the recommendation of the Secretary of the Navy, you have also the report of a committee of this House, reiterating the same recommendation. And yet the gentleman says, we have no information, we have not sufficient information to show the propriety of this appropriation! Why, sir, what other information would the gentleman have than this accumulation of it in the printed documents upon this table, and from the appropriate sources? He says it is impossible for all the members of the House to understand the necessity of the work. But, sir, it is not impossible, if he will but make the effort. If he be not negligent of the opportunity given him to understand it, or blinded by prejudice against every recommendation that emanates from the heads of Departments, he can fully understand the propriety of every recommendation made. If he suspects their propriety or expediency, and the recommendations of the appropriate officers, he can, at very little trouble, possess himself of their whole merits; and unless he chooses to do this, with all due respect to the gentleman from Vermont be it said, he cannot, with propriety, complain, or object, that he has not sufficient authority for the appropriation.

I maintain, Mr. Chairman, that we have all the necessary information to not only justify, but to require, this appropriation. We have all that is usual, and all that ought to be desired, unless we are also actuated by the ulterior purpose avowed by the gentleman from Vermont, of destroying and abolishing entirely the navy yard at Portsmouth—a purpose which I apprehend very few members of this committee are disposed to entertain. Look at the question in point of economy, and how will the case stand? Is it not good economy to construct sheds and docks at our navy yards, to preserve the property of the Government that necessarily accumulates there? The gentleman from Vermont is himself, I believe, an agriculturist, or if not, the region he represents upon this floor is made up of agriculturists. I would ask him, what would be, what must be, his opinion of the individual who is in the management of an extensive farm, requiring an extensive body of implements and materials, and who totally neglects to make preparation of suitable sheds and buildings for the protection and preservation of them from the elements that destroy them—from rain, snow, dampness, and decay? Would you, sir, would that gentleman, pronounce such a man a good husbandman, a prudent agriculturist? Would he say such a man was practising upon principles of economy? It cannot be. Well, sir, apply the same reasoning to your Government. It necessarily engages an extensive navy; it must maintain naval depots at different points. Vast amounts of property, in a wrought and in an unwrought condition, are necessarily accumulated there. And is it not economy in the Government to construct, at such points, the sheds and docks by which alone we can hope to preserve the property thus accumulated from the action of the elements that destroy it, that it may be ready for the service of the Government on any emergency? It would be neglect and waste not to make such preparation.

The question that alone remains is, are the appropriations proposed--$18,000 for timber sheds, $25,000 for mast and boat house, $20,000 for a timber dock, and $4,000 for repairs--proportioned to the character of the works needed? The gentleman from Massachusetts [Mr. Lincoln] has well said that, before objection be made to these propositions, regard ought to be had to the nature of the works designed. They are proposed to be permanent and durable works, and not to be constructed of materials and after the fashion of many of that class of works for which the honorable member from Vermont has invariably voted most liberally to support—works of internal improvement, in harbors and rivers, of which the first parts constructed have actually, in numerous instances, fallen into decay and ruin before the other parts were completed. It is not such a kind of economy as the gentleman's favorite works have been conducted upon that is designed to be applied in the construction of the navy buildings at Portsmouth. The works are to be permament and durable--of lasting materials; and if they should cost more in the outset, they are designed to be cheapest in the result.

But, sir, we hear the cry of war sounded upon this subject, and with what view I can scarcely conceive. War, and war measures, and war appropriations, appear to have, in the estimation of some gentlemen, an intimate connexion with almost every proposition that comes before the House at the present session. No proposition, however trivial, no appropriation, however small, comes up, which does not seem to partake of war in some way. This panic appears to be very much of the character with that which pervaded the British nation subsequent to the French Revolution. Nothing could occur there, nothing could be proposed, at all out of the common course, either in public or private circles, though it were that a letter was discovered to have two seals instead of one, which did not excite alarm at once, as partaking in some way of French influence, or having some connexion with the French Revolution! Sir, I see no war measure in the proposed appropriations for the navy yard at Portsmouth. It is a work of economy, of expediency, and of necessity. The idea of rejecting it, with a view of discontinuing the navy yard at that place, cannot, I trust, influence any considerable portion of this committee. It would be, in my estimation, the extreme of folly in the Government to forego the privileges which that yard combines, the facilities which that harbor furnishes for ship-building. In no place of the Union is ship-building carried on with higher reputation than at Portsmouth. The best, or among the best, vessels that float upon the ocean were constructed at Portsmouth; and the facilities of the Government for the purposes of a navy yard of certain magnitude at Portsmouth are unsurpassed at any other point of our seacoast, from one end to the other of the Union. And I trust that the item of the bill now before the committee will not be stricken out, with a view to delay the construction of the necessary buildings, and much less with a view to discontinue the navy yard at Portsmouth. It would not only be bad economy to do so, but a direct and serious injury to the public service.

Mr. JENIFER thought the estimates of the proper Department, sustained as they were by the Committee of Ways and Means, were sufficient, in the absence of any evidence against their propriety, to justify him to vote for all these appropriations. He was entirely opposed to the proposed reduction, whether with reference to war or peace; though Mr. J. did not consider war to be at all improbable; for the acceptance of the mediation of England was so conditional that no one could say what would be the result, though he, from his heart, hoped such a crisis would be averted.

Mr. WISE wished to make known a fact of which the House was uninformed. A communication had been made from the Navy Department to the Committee on Naval Affairs, some days or a week ago, recommending a large appropriation in reference to our present foreign relations. That committee had ordered this communication to be reported to the House; and it would be done, doubtless, as soon as the chairman had an opportunity. That communication expressly stated, that when the Secretary of the Navy made his recommendation, at the commencement of the session, for an increase of two frigates and three sloops of war, he made it solely with a view to a peace establishment. He now recommended an increase of appropriations to the enormous sum of $6,337,000.

Mr. W. supported the motion of Mr. Bell, and drew a contrast between the sums expended on the east and those on the south coast, and condemned the whole policy of the Government in constructing navy yards near the large cities. There was not a single navy yard in the country but what was defenceless. He was opposed to the item under consideration, and said that, while so large a sum was proposed for Portsmouth navy yard, which was not necessary, Charleston, South Carolina, would require at least $250,000, and Pensacola $500,000, to put them in a fit condition. With regard to war, it was not a war with France, with Louis Phillippe, but it was a war on our own public Treasury.

Mr. CUSHMAN said the navy yard at Portsmouth was not only one of the oldest in the country, but one of the most important for its locality. It was approachable at all seasons of the year, which was not the case of any one yard north of the Potomac. Even from four to six weeks, in the winter, Boston harbor was frozen up, while there was not a day in the whole year that ships could not enter Portsmouth.

Mr. CAMBRELENG said he had made application at the proper Department to ascertain whether the appropriations for the yard at Portsmouth were necessary, and had ascertained that the estimate submitted by the naval officer of that station was one hundred and eleven thousand dollars, which the navy commissioners had reduced to sixty-seven thousand dollars.

Mr. JARVIS said that the navy yard at Portsmouth had been long in existence, and was a very important one. In consequence of its situation, it was to be approached at all seasons of the year. Efforts had heretofore been made to abolish that station, which proved unsuccessful for that very reason. One argument made use of against these appropriations was that gentlemen could not depend on the estimates submitted by the Departments. He thought those estimates were to be relied on, because they came through the hands of persons of long experience. In the first place, the estimates were submitted by the commanders of those stations, who are always old and experienced officers, to the navy commissioners. Then it was the duty of the commissioners to visit those stations yearly, to ascertain whether those estimates were correct; and, if so, to concur in them. They were then laid before the Secretary of the Navy, and had to pass his inspection, and from him they came to the House. Another objection to the appropriation was, that there was an unexpended balance in the Treasury. Mr. J. said there must necessarily be a balance in the Treasury on the 1st of December; otherwise there would have to be a suspension of operations in the navy yards between that time and the time that our appropriations would be available.

Mr. BELL had, in the first instance, risen to propound an inquiry, whether this appropriation was necessary or not, without going into the general question; for on that he would take the very authorities adduced by gentlemen on the other side, which went to demonstrate that the navy yard at Portsmouth ought to

be abolished altogether. He had not got a specific answer to his inquiry. But with regard to the general question, the propriety of having seven navy yards, it was generally admitted, by competent officers, that a single station was better. England, with her thousand ships of war, had but two naval stations, by which means she was enabled to concentrate the best talent, and to carry on her works with more vigor. He had made the motion he had to test the sense of the House, and see whether or not, with a view to a probable contingency, they were inclined to dispense with what he believed to be unnecessary buildings. He could not himself conceive them to be necessary. He could not see the necessity of erecting a timber shed to preserve the accumulated timber in the yard. But it was not so much into this inquiry he wished to go, as whether or not some part of these large appropriations might not be wisely and prudently dispensed with during the present year. He intended to apply the same principle to every part of this bill, to an amount of three or four hundred thousand. Mr. B. referred to the unexpended balances, and said it appeared that the estimates of the Navy Department had been made without reference to those unexpended balances made for the same objects last year.

Mr. CAMBRELENG would inform the gentleman from Tennessee that, on the 1st of December, the whole of the unexpended balance remaining on hand was $135,000, the whole of which would probably be expended before this bill passed both Houses. The argument of the gentleman, that only two navy yards existed in England, would, if carried out, create at least thirty on our three thousand miles of coast; Plymouth and Portsmouth, in England, being only one hundred and fifty miles apart. Mr. C. agreed with the gentleman from Virginia, that the southern coast had been neglected, and he would cheerfully go with the gentleman from Florida to increase the appropriation for Pensacola.

Mr. PEARCE, of Rhode Island, then moved that the committee rise; agreed to: Ayes 83, noes 48.

The committee accordingly rose, reported progress, and asked leave to sit again; and, on motion,

The House adjourned.

THURSDAY, FEBRUARY 11.

PUBLIC LANDS.

The following resolution, heretofore submitted by Mr. VINTON, was, by consent, taken up:

"*Resolved*, That the Secretary of the Treasury be directed to communicate to this House any information in his possession of frauds or fraudulent practices, under the existing pre-emption laws; and that he also inform the House what has been the effect of the pre-emption laws now in force, or heretofore passed, upon the sales of the public lands, and upon that branch of the public revenue."

Mr. GARLAND, of Louisiana, offered the following amendment, which was accepted as a modification by Mr. VINTON:

Also, the quantity of land entered or purchased in the State of Louisiana, under the pre-emption law approved the 19th June, 1834, designating the quantity entered or purchased in each land district, and the quantity entered as floats in each district, under the several sections of the pre-emption law approved May 29, 1830, revised by the pre-emption law of June 19, 1834; together with copies of all documents and papers on file in the Department relating to the official conduct of the late register of the land office and receiver of public moneys at Opelousas, in the aforesaid State, or either of them; also, copies of all letters written by the late Commissioner of the General Land Office, and Gideon Fitz, Esq., formerly register of the land office at Mount Salus or Clinton, in the State of Mississippi, upon the subject of allowing pre-emption on floats, under the second section of the pre-emption law approved May 29, 1830; together with copies of all the instructions that have been given to the registers of land offices and receivers of public moneys, for their government in executing the pre-emption laws of May, 29, 1830, and the 19th June, 1834.

Mr. VINTON further modified his resolution by adding the following:

Also, that he communicate to the House any information in his possession respecting combinations of persons, by force or otherwise, to prevent or obstruct the sales of the public land, either at public sale or private entry.

Mr. BOON moved to strike out so much of the resolution as called for the "opinion" of the head of the Department. Mr. B. was willing to vote for any requisition for information, but was decidedly opposed to asking the opinion of that officer.

Mr. VINTON had no objection to modify that clause so as to inquire of the Department what had been the "effect" of the pre-emption laws.

Mr. BOON assented; and after a few remarks from Mr. HOWARD, the resolution, as modified, was agreed to.

FRENCH AFFAIRS.

The following resolution, heretofore offered by Mr. MASON, of Virginia, was taken up:

"*Resolved*, That the President of the United States be requested to communicate to this House a statement showing the amount of duties received into the Treasury of the United States on wines and silks, of the production of France, since the passage of the act entitled 'An act to carry into effect the convention between the United States and His Majesty the King of the French,' concluded at Paris on the 4th of July, 1831, approved 13th July, 1832; and the amount of duties which would have been chargeable on the same importations under the revenue laws as they existed at the time of the passage of that act, with the amount of importations of those articles in each year, for five years past; that he be also requested to communicate to this House a statement showing, in analytical form, the awards made by the commissioners who acted under the act aforesaid, in execution of the said convention, their amount, the several classes or categories in which they are arranged, and the amount of the awards belonging to each class, and the persons and companies, and the sums awarded to each."

Mr. ADAMS moved as an amendment the following resolution, heretofore offered by him:

Resolved, That the President of the United States be also requested to communicate to this House, if not incompatible with the public interest, a copy and translation of the act of the Legislative Chambers of France, making appropriations for carrying into effect the indemnity stipulated for claims of citizens of the United States by the treaty of 4th of July, 1831; and, also, copies of all the communications from the French Government, and their representatives in the United States, in relation to the execution of that treaty, in the French language.

Mr. EVANS moved, as an amendment to the amendment, the following; which was agreed to:

And, also, to communicate, if it be, in his opinion, compatible with the public interest, so much of the several letters of Mr. Livingston, addressed to the Secretary of State, of October 4, 1833, of November 22, 1834, of December 6, 1834, and of December 22, 1834, as have not been heretofore communicated to Congress;

and, also, the enclosure referred to in the letter of October 4, 1833; and, also, so much of the instructions to Mr. Livingston, on his appointment as minister to France, as relates to the execution of the treaty of July 4, 1831.

The amendment as amended was agreed to, and the resolution as amended was adopted.

INDIAN AFFAIRS.

The following message was received from the President of the United States:

To the House of Representatives:

I transmit herewith a report from the Secretary of War, with copies of so much of the correspondence relating to Indian affairs, called for by the resolution of the House of January 23, 1835, as can be furnished by that Department. I transmit, also, a report on the same subject from the Treasury Department, from which it appears that, without a special appropriation, or the suspension, for a considerable period, of much of the urgent and current business of the General Land Office, it s impracticable to take copies of all the papers described in the resolution. Under these circumstances, the subject is again respectfully submitted to the consideration of the House of Representatives.

ANDREW JACKSON.

Washington, *February* 10, 1836.

On motion of Mr. McCARTY, the message was referred to the Committee on Indian Affairs, and the report ordered to be printed.

NAVAL APPROPRIATION BILL.

The House then, on motion of Mr. CAMBRELENG, resolved itself into a Committee of the Whole on the state of the Union, Mr. Miller in the chair.

The committee resumed the consideration of the bill making appropriations for the naval service for the year 1836. The question pending was the proposed amendment of Mr. Bell, to reduce the appropriation for the improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, from $67,000 to $33,500.

Mr. PEARCE, of Rhode Island, addressed the House at length on the whole system of our navy yards. He was in favor of the proposed item as it stood, although the whole system required revision, and he believed some of them ought to be abolished entirely, and new sites chosen for others. The sum of $67,000, proposed for the navy yard at Portsmouth, without reference even to its permanency, was by no means extravagant or immoderate. He also replied to the remarks of the gentleman from Tennessee, [Mr. Bell,] and contended that, whether the appropriation be proposed with reference to war or peace, it should pass. He then went at large into the whole subject, and detailed various actions and encounters, to prove that New York harbor was not such a place of ingress and egress as justified the establishment originally, or the maintenance now, of a naval depot there. He also read various extracts in reference to the same subject, and cited a large mass of documentary evidence, reports, and papers, for the purpose of showing that Narraganset bay possessed greater natural advantages for such an establishment than any other place in the United States, contrasting it with the disadvantages of Boston and Brooklyn. He likewise went into numerous statements to prove that the money expended on those two places was thrown away, and cited the reports and opinions of various engineers and others, who were competent judges, in support of his argument.

Mr. CUSHING said: It has been my intention to address the committee at a proper time, in behalf of the general merits of this bill; but I am diverted from that object, for the present, by the new turn given to the debate in the remarks of the gentleman from Rhode Island, [Mr. Pearce.] That gentleman rose, professedly, to show the peculiar fitness of some spot in Narraganset bay to be the site of one of our naval stations. He has submitted no motion, however, to amend the bill in this respect, and his remarks are not strictly applicable to the question pending before the committee. Most of what he has said consisted of objections to the present navy yards, to their numbers and their locality, and especially the naval depots at Washington, Philadelphia, Brooklyn, and Charlestown. He has presented a plausible case with some force of argument, and I rise to reply to what he has said, at least so far as regards the navy yard at Charlestown.

His whole argument proceeds upon the assumption that the only point to be regarded, in selecting the site for a navy yard, is the nature of the harbor, its depth of water, and accessibility to or from the sea. These, of course, are important considerations; but they are not exclusively important, since there are other things alike essential to the usefulness and value of a naval station and sometimes even of more consequence than mere superiority of harbor.

What, then, are the great leading considerations to be kept in view in the formation of naval depots for such a country as the United States?

In the first place, I admit, of course, that a roadstead of more or less capacity and convenience of access, or, in the language of the navy commissioners, "a safe and commodious harbor, with sufficient depth of water, easy of ingress and egress," is essential, under qualification of the facts which I shall hereafter state.

In the second place, it is desirable, other things being equal, that a naval station should have near at hand a large settled population. This is important in reference to the seamen and laborers needed, who, if they be not drawn from the neighborhood, must be obtained elsewhere at an enhanced cost, and numbers of whom are liable to be required on sudden emergencies and short notice. It is yet more important in another point of view. If you place a naval depot in a spot removed from population, you must construct for it special military defences, and establish in it a garrison of strengh proportioned to the consequence of the station and the value of the public property collected there: whereas, if it be located in the centre of a dense population, that population will have military defences on its own account, and may be in part relied upon to repel the attack of invading enemies.

In the third place, it is to be remembered that the construction and reparation of ships of war is a species of manufacture. If, indeed, we consider the great variety of materials combined in its construction, the complicated process of art necessary to the perfection and union of those materials, and the stupendous capabilities and powers of the machine itself, we shall find, I think, that a ship of war is the most complete and remarkable of all the fabrics of human ingenuity. The manufacture of it is by means of mechanic art, aided by commerce in the collection of materials; and it will flourish under the same circumstances which promote the success of other mechanic arts associated with maritime trade. Of course it is desirable, in the location of a navy yard, to pay some regard to these circumstances.

Lastly, it is not less important to have attention to the geographical configuration of a country, its extent, the relative situation of the various ports, and the locality of its business and population.

Now, apply these general principles, by way of test, to the arguments of the gentleman from Rhode Island.

Doubtless it is true that Narraganset bay affords an excellent roadstead, accessible at all seasons, of great capaciousness, well sheltered, and otherwise fitted by nature to form a naval station. I shall not dispute this.

And if this had been the only fact proper to be considered, in the location of the seven naval depots upon our maritime frontier, it is possible enough that there would or ought to have been a navy yard in Narraganset bay: still, I utterly deny the conclusion that, because this harbor possesses great natural advantages, there should be no naval station at Charlestown, or that the public works in that place should be abandoned for the sake of transferring its business to Newport.

All the objections which the gentleman urges against the location of a naval depot at Charlestown consist of alleged defects in the harbor of Boston. I shall not go into these objections minutely. That harbor has its advantages and disadvantages. The advantages are such as to afford ample accomodation to the vast and increasing commerce of that flourishing city, and to place it high in the list of the best ports of the country. The gentleman says it is occasionally obstructed by ice; but he knows perfectly well that but few days in the year occur, when there is any such accumulation of ice as to prevent the largest vessels from entering and sailing up to the inner harbor, in front of the very wharves. Instead of being four or six weeks in each winter, as stated the other day by a gentleman from New Hampshire, [Mr. CUSHMAN,] I doubt whether it averages so many days. Possibly it may have happened, as alleged by the gentleman from Rhode Island, that in some peculiar position, or state of tide or weather, a man-of-war, in warping around, has touched; but it is perfectly notorious to that gentleman, and to all the world, that there is no want of safe and abundant anchorage in Boston harbor for any squadron of ours, which may repair thither for shelter or refitting, in peace or in war.

The gentleman seems to think that the establishment of a navy yard in Massachusetts, as in New York and New Hampshire, is a consequence of the fact that each of those States has had a citizen of its own at the head of the Navy Department. If such effects flow from such causes, there may yet be a navy yard in Narraganset bay; since, for aught I know, the gentleman himself, who seems familiar with these subjects, is destined to be a Secretary of the Navy. However this may be, the gentleman knows full well that, in point of fact, the establishment of a naval station at Charlestown was by no manner of means the effect of mere personal favoritism. It is to be traced to higher and better causes. It was the necessary consequence of the natural fitness of the spot, and of the intelligence, wealth, industry, and wide-spreading commercial enterprise, which have studded Massachusetts bay with populous communities, possessing previously the arts and resources, and drawing together the stores and materials needful to the usefulness of a great naval station; which advantages, natural and acquired, caused it to be designated, by persons of the utmost weight of authority, wholly without local biases in its favor, as the great naval arsenal of the North.

If the United States could be created by us at will: if this continent were a mere *tabula rasa*, on which to map out States and cities with exclusive reference to considerations of geographical position; if the shores of the Atlantic were, at this day, an unpeopled waste, to be covered at a word by the millions who now dwell here; then indeed there might be pertinency and force in the arguments of the gentleman from Rhode Island. But it is not so. We have, it is true, much power to draw population and business to selected points possessed of great natural advantages; but there are limits to this power. Even we, with all our immense unsettled territory, must, to a certain extent, take the world as we find it, and make the best of existing circumstances. Signal examples will recur to the mind of every gentleman, of great and populous cities, which have grown up in the progress of events, and which it is now seen might have been located more advantageously in some different spot. Still it would be mere madness to attempt to remove such a city to this or that neighboring locality. Population, buildings, business, have become fixed, and upon them it is natural that incidental advantages, of a political character, should attend.

Boston is great, not exclusively because of its local situation, but also because of the principles of liberty and the energy of character which the pilgrim settlers of New England brought with them from Britain; because of the industrious population gathered gradually, along with the general improvement of the country and of its institutions, upon and around the time-honored heights of Tri-mount. I am not a native of Boston; I do not reside in it; but I should be wanting in duty to my State, if I failed to bear witness, here and every where, to the energetic spirit, the moral, religious, and intellectual cultivation, the comprehensive intelligence of enterprise, the munificent liberality of temper, and the inborn love of well-ordered freedom, which distinguish the inhabitants of that city and of its environs. These circumstances, added to the qualities of its harbor, and the particular habits and employments of the people, have given it an aptness for the site of a naval station, far superior to the naked consideration of marine fitness; by reason of which, ships of war have harbored there from the earliest history of the country. And the same circumstances have in reality led to the establishment of the actual navy yard at Charlestown.

Nor am I prepared, at least upon such view of the subject as the gentleman from Rhode Island presents, to agree with him in opinion of the expediency of having only two or three large navy yards. The number of our naval stations should bear some relation to the extent of our seacoast, and the necessity of access from various points of the Atlantic or the Gulf; and, in reference to this fact, if another station be needed in the South, and if there be any fit locality for one, at Charleston or elsewhere, let it be established. For it should be remembered, that this country is of vast interior expansion; that it has a most extensive ocean frontier; that its resources, territorial and financial, are of magnitude almost unexampled in the history of nations; and that, exalted as is its present grandeur, it may look forward with assured certainty to a future of yet higher elevation. Our public defences, and the mechanical means of maintaining them, should keep pace with the national dignity and greatness of the United States.

It is obvious to perceive, at the same time, how it happens that so large a number of our naval stations lie on the waters of the middle and eastern States; owing in part to the natural character of the coast, which, on the one hand, is more open to the sea and affords more accessible ports, while, on the other hand, approach is more obstructed by shoal water and reefs of sand; but owing still more to the respective employments of the people. Nature has given to the southern States a soil and climate, and they possess a class of laborers, which render the prosecution of agriculture, on a great scale, the readiest and most profitable objects of pursuit. We at the North, and in New England especially, with our rock-bound shores, and our hard soil, incapable of affording bread enough for our daily subsistence, are driven to other departments of enterprise, spreading the banner of our country in every distant sea, and tasking our skill in all the arts of mechanic ingenuity and invention. Thus it is that we are merchants and manufacturers, and of consequence possess facilities, in materials, artisanship, and other respects, for the business to be performed at a naval station. But these considerations, as I remarked in the outset, should not be exclusive; and the immense importance to us of the navigation of the Gulf of Mexico, embracing the vast and in-

creasing commerce of the great valley of the Mississippi and its tributary waters, evidently commends to us the policy of fostering in all events the naval depot established at Pensacola.

Before closing these remarks, I take occasion to say a few words in reply to an observation of a gentleman from Kentucky, [Mr. HARDIN,] who, speaking to the pending question a day or two since, charged upon the members from the Atlantic States the being actuated by sinister motives in the support of the bill. For myself, I repel the charge with the scorn and indignation it merits. It is not true. And that gentleman, however much he may be licensed in this House, shall not, with impunity, tell me that we vote on the narrow ground of exclusive and mercenary sectional inducements, or that we are engaged in a conspiracy to misapply and squander the public funds on the seaboard, to the injury of the West.

The imputation, I repeat, is false, in reference to this particular bill; and it is unjust in the general; for I deny that the Atlantic States are actuated by any such motives or views concerning the West. Whatever the gentleman's purpose may be in this wholesale impeachment of the motives of gentlemen from the seaboard, I am sure it can exert no auspicious influence upon the public service of the country; for it should be the duty and pleasure of all of us to cultivate a mutual good understanding between the different sections of the Union, in the spirit of compromise which pervades the constitution. And, so far as regards Massachusetts at least, I will undertake to go with the gentleman, chapter by chapter, and verse by verse, and to show, by the records of this Government, that she and her representatives, actuated by a just pride in the expanding greatness of the United States, and a patriotic interest in the whole country, and every part of it, have cordially entered into all proper plans for the improvement and public prosperity of the West.

And while I deem the imputation unjust, I think it unkind also, considering the relation which the Atlantic States bear to the West. We are one country, united by the bonds of a common ancestry, and flourishing together by means of a community of national interests, protected by the same constitution. The people of the West sprang from the old thirteen States; its territory was opened to civilization and prosperity by the war of the Revolution, and the independence we purchased with our blood and treasure; and the new States have fully participated with the old in the general advantages to the whole country which have resulted faom the Union.

True, our fortifications and naval stations are on the seaboard; and it is the expense of these which the gentleman complains of as injurious to the West. But have we not, in this particular, evils to encounter on the seaboard, compared with which the petty advantage derived from the locality of these expenditures is but as dust in the balance? Let us look at the thing practically. Let us interrogate history on this point. It is from lessons of the past that we are to learn to understand and prepare for the future. If a foreign enemy were to seek to subdue the United States, where would the gentleman from Kentucky have us make a stand? Shall it be in the interior? Would he have the war fought on the soil of his own State, for instance? On its boundary line? Of course not. The foe should be repelled on our very shores. He would not be suffered to penetrate into the heart of the land. The broad Atlantic is the great natural defence of the country, which God himself gave to us, and which it is the part of wise and prudent men to strengthen by the application of human art, for the general protection, not merely of the seaboard itself, but of the entire Union.

Consider the fact in another point of view. Suppose that the storm, which is now lowering upon us from the other side of the ocean, should burst in fury over our heads; suppose—which I do not believe, and which may a good Providence in mercy avert—that we are to be forced into a war with France, either by rashness on our part, or by faithlessness on the part of others; where, in such event, would the thunderbolt strike? Upon us, it is manifest, on the seaboard of the Atlantic or the Gulf. The enemy would seek to gain a foothold on the coast. There his invading forces would be landed. He could not venture into the interior, leaving behind him strong posts, well armed and garrisoned; nor, if he desired it, would he be suffered to do so. Our own military operations would lean upon fortified points of the coast; those of the enemy would be aimed against some great maritime city, or commodious harbor, by means of the possession of which his troops and munitions might at all times find entrance into the country, and where his fleets could obtain assured refuge in emergencies, or prepare themselves for ulterior action; and, as a matter of course, the war must be fought on the high seas, or on the soil of the States and Territory contiguous to the ocean or the gulf. We should be compelled to bear the brunt of the conflict. The brave men of the West would fly to our succor, with the gallantry, generosity, and patriotic love of country, which have always distinguished them in the hour of peril; but they would leave their homes behind them in safety and in peace. They would not be doomed to see their dwellings consigned to the fire-brand, their wives to violation, their children to slaughter, and all they held most dear given up to the unutterable horrors of war.

Should not these considerations be borne in mind when gentlemen are disposed to think that injustice is done to the West, by expenditures for the naval service, or for fortifications on the maritime frontier of the Atlantic States?

Mr. HARDIN rejoined. He intended to address the House at length, he said, when the subject of fortifications came up, and had prepared various statements from the Departments upon the subject. He had complained that the appropriations in the present bill exceeded, by about a million of dollars, the estimates of former years. He said he had made up a table, partially exhibiting the expenditures for fortifications since the war, and they amounted altogether to about fourteen millions of dollars. Some system of defence must be adopted; but to erect fortifications at proper points from Maine to the Gulf of Mexico, would cost from fifteen hundred to twenty hundred millions of dollars, and a standing army, including the western forts, of not less than eighty thousand men; a thing the people of this country would never permit. The time, however, had arrived, when the subject must be investigated; and he pledged himself to go into it fully when the other bill came up. Mr. H. repelled the attack made upon him for speaking to "Buncomb," with disdain, and pronounced it a false calumny.

Mr. CUSHING briefly rejoined.

Some individual in the south gallery of the House having applauded at the close of Mr. C's remarks,

Mr. REED moved that the galleries be cleared; but subsequently withdrew the motion.

The committee then rose, and reported progress.

On motion of Mr. HANNEGAN, the south gallery was ordered to be cleared.

Mr. MERCER, understanding that the officers of the House had recognised the individual who had committed the disorder in the gallery, moved that the individual guilty of the disturbance be taken into custody; and, pending this motion,

The House adjourned.

FRIDAY, FEBRUARY 12.

The motion of Mr. MERCER, pending at the adjournment yesterday, directing the Speaker to issue his warrant for the arrest of the individual who caused the disturbance in the south gallery of the House, was taken up.

Mr. MORGAN moved to lay the motion on the table; which was agreed to.

PENSION LAWS.

Mr. ALLAN, of Kentucky, moved the suspension of the rules, for the purpose of taking up for consideration the following resolution, heretofore offered by him:

"*Resolved*, That a select committee be appointed, whose duty it shall be to inquire into the expediency of extending the provisions of the act of Congress for the benefit of the surviving officers and soldiers of the revolutionary army, passed the 7th of June, 1832, so as to embrace those who were engaged in the wars of the United States which occurred between the treaty of peace with Great Britain, in 1783, and the treaty of Greenville with the Indians, in 1795; and that the said committee have leave to report by bill or otherwise."

The motion pending was the amendment of Mr. MANN, of New York, to strike out "a select committee," and insert the "Committee on Revolutionary Pensions."

Mr. MANN, of New York, said, while he as highly appreciated the meritorious services of those contemplated under this resolution as any other gentleman, yet, considering the operations of the pension system, its vast extent, and the vast amount of public funds it involved, he was utterly and entirely opposed to any further extension of it at this time. There were evils enough resulting from the system in the section of country he had the honor to represent; and he himself had seen so much of it that he was perfectly satisfied, if the whole case could be properly presented and fully understood, there would be very little difficulty in confining its operations to that class of individuals alone who had sacrificed their all in the revolutionary struggle.

The CHAIR intimated to the gentleman that, on the question of reference, the merits of the resolution were not open for debate.

Mr. MANN said he withdrew his motion. He did not design to debate the merits of the resolution, but to make a few remarks in explanation or justification of the motion he had made at a former day, and which, under the peculiar state of the case, he now saw fit to withdraw.

Mr. VANDERPOEL believed, if he recollected right, this whole subject was before the House some two or three weeks last year, and its whole merits very fully discussed. If Mr. V. were now called upon to vote, he had no hesitation in saying that he should vote against it, without more light than he had upon the subject. The only question now before them was, whether they should appoint a select committee, for which he was perfectly willing to vote, so that the merits and claims of those individuals might be laid before the House. But, in so voting, he was not to be considered as committing himself upon the merits of the case ultimately, when the subject came fully before the House, though he would give to the subject the best consideration in his power.

Mr. WILLIAMS, of Kentucky, moved to amend the resolution by instructing the committee to inquire into the expediency of extending the provisions of the act of the 7th of June, 1832, so as to include those in the service of the United States in the revolutionary war for a shorter period than six months.

Mr. WARDWELL informed the gentleman from Kentucky, that if he would refer to the proceedings of the House, he would find that a bill was already reported, embracing the very provision contemplated by the gentleman's amendment.

Mr. WILLIAMS thereupon withdrew his amendment.

Mr. DEBERRY moved that the committee be further instructed to inquire into the expediency of so extending the act of the 7th of June, 1832, as to embrace the wagoners, mechanics, &c., during the revolutionary war.

Mr. WARDWELL suggested that the adoption of this amendment would confound the two objects, that of the revolutiouary soldiers, and those engaged in the Indian wars, which ought to be kept distinct; besides which, there was a constituted committee of the House appointed to take charge of the former already.

Mr. REYNOLDS, of Illinois, for the purpose, as he said, of keeping the two subjects distinct, moved the previous question; but the motion was not seconded by the House.

Mr. J. Q. ADAMS hoped the gentleman from North Carolina [Mr. DEBERRY] would withdraw his amendment, and allow the resolution to stand on its own merits. The subject was before the last Congress, and was fully discussed; and the more it was discussed the more satisfactory it was to his mind that the bill then reported ought to have passed. He hoped that no gentleman would encumber the present resolution with any amendments, and that the House would now consider and adopt it.

The amendment of Mr. DEBERRY was then negatived, and the resolution was agreed to, without a count; and, on motion of

Mr. LANE, the select committee was ordered to consist of nine.

SUFFERERS BY FIRE IN NEW YORK.

Mr. CAMBRELENG, from the Committee of Ways and Means, presented a letter from the Secretary of the Treasury, enclosing a letter from the collector of the port of New York, and other documents, representing the urgeut necessity for some action, by Congress, on the subject of the bill for the relief of sufferers by the late fire in New York; which were committed to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. CAMBRELENG stated that he was instructed by the committee to solicit the early attention of the House to this subject; and, that the business now before the House might not be interrupted, he moved that the bill be made the special order of the day for Friday next. He hoped that the House would then take up the subject, and de- ci le upon it one way or another.

Mr. WILLIAMS, of North Carolina, suggested Tuesday week as a convenient day.

Mr. CAMBRELENG said he had no objection to any day that the House might decide upon.

Mr. PEYTON asked whether it was in order to assign a reason for not voting in favor of the motion.

The CHAIR replied that the question was not debatable.

Mr. PEYTON said, if it was in order, he would move that the New York relief bill be taken up the day after the final decision on the resolution submitted by the gentleman from Massachusetts [Mr. ADAMS] on the last year's fortification bill, and not before. If this was not in order, he would fix a certain day, say the first day of June, or the first day of July, till which time the gentleman from Massachusetts said the decision on his resolution could be deferred. The relief bill was, by an arrangement, made to give way to this resolution. He therefore should move a distant and subsequent day for the consideration of the bill. He moved the first day of June.

This motion was negatived.

Mr. WILLIAMS, of North Carolina, moved Tuesday week. It was not fair, he said, to encroach on the private bill days.

The motion was rejected.

Mr. EVANS moved Tuesday next; which was agreed to, by a vote of two thirds.

So the bill was made the special order of the day for Tuesday next.

THE LATE CHIEF JUSTICE MARSHALL.

Mr. INGERSOLL, with the unanimous consent of the House, offered the following resolution:

Resolved, That the Committee on the Library be instructed to cause a marble bust of the late Chief Justice Marshall to be prepared by an artist of merit and reputation, and to be placed in the chamber of the Supreme Court of the United States, in a position corresponding with that of the bust of the late Chief Justice Jay.

Mr. INGERSOLL said, I am not about to pronounce an eulogium on the character of John Marshall. His merits are already recorded in the hearts and judgments of his countrymen. A recollection of them will be cherished as long as a just estimate can be formed of brilliant talents and unspotted integrity, as long as gratitude shall continue to be a virtue. Few men since the formation of the Government have served it so well, and none more faithfully. In the administration of the laws, under a Government of laws, he was for nearly five-and-thirty years supreme in station, in abilities, and in usefulness. It has been the peculiar fortune of this republic that it has found on different occasions, when it has called its eminent citizens to posts of public duty, a happy fitness in the individual to his station, a devotion of purpose in the man, and a confidence in his designs on the part of the people; a union and an aptitude from which nothing but lasting benefits can arise. Many shining properties were centered in the eminent person to whom it is the object of this resolution to offer a feeble tribute of respect and gratitude—properties which justify the feeling universally entertained for him as the pride and the boast of his countrymen. When this and much more shall be done by them, the nation and posterity will continue to be immeasurably his debtors. I submit the resolution as a cheerful acknowledgment of the debt we owe, and as the pledge of an effort to repay it in the emulation of his virtues.

Mr. STORER remarked that some weeks ago he had presented a memorial from Hiram Powers, requesting Congress to employ him for the purpose of executing the work proposed in this resolution. The memorial was before the Committee on the Library, who would report upon it in a few days.

Mr. McKEON suggested to the gentleman from Pennsylvania the expediency of modifying the resolution so as to refer the subject to the Joint Committee on the Library.

Mr. INGERSOLL modified the resolution accordingly; and,

The question being taken, the resolution was agreed to, *nem. dis.*

JESSE SMITH AND OTHERS.

At one o'clock, on motion of Mr. WHITTLESEY, the House proceeded to consider the orders of the day, which were private bills.

The consideration of the bill for the relief of Jesse Smith and others was resumed, the question being on the passage of the bill.

After an animated discussion, in which Messrs. MANN of New York, VANDERPOEL, HARDIN, WILLIAMS of North Carolina, WARD, WHITTLESEY, and HAWES, participated,

Mr. OWENS, after three o'clock, moved an adjournment; which was negatived.

The discussion was continued by Mr. OWENS, who yielded the floor to

Mr. HOWARD, who moved to suspend the rule in order to move that, when this House adjourns, it adjourn to meet on Monday next.

Mr. GARLAND, of Louisiana, asked the yeas and nays on this motion, and they were ordered.

Mr. EVERETT moved that the House do now adjourn; which was negatived.

The question was taken on the motion to suspend the rule, in order to receive a motion to adjourn over to Monday, and decided in the negative: Yeas 71, nays 104; (not two thirds, as required on such questions.)

The House then adjourned to to-morrow.

Saturday, February 13.

The whole of this day was spent by the House in the reception and reference of resolutions of inquiry, until the hour of adjournment.

Monday, February 15.

After the reading of the journal—

Mr. PIERCE, of New Hampshire, rose, he said, to ask the indulgence of the House for permission to repel an assault made upon his personal character, and impugning his veracity. Mr. P. stated that he rarely, on any occasion, trespassed on the patience of the House, nor should he have asked the present indulgence, had the assault been confined to the columns of a newspaper. But it had been read in the Senate of the United States. Mr. P. would, however, take that occasion to say that, so far as the Senator who brought that paper forward was concerned, that gentleman [Mr. Calhoun] had made to Mr. P. all the apology he deemed necessary; and he now asked permission merely to reply to the attack made upon him.

Mr. MERCER rose in his place and objected.

Mr. PIERCE moved a suspension of the rules.

Mr. UNDERWOOD asked for the yeas and nays, but the House refused to order them, and the rules were suspended without a count.

Mr. PIERCE then proceeded, and returned his thanks to the House for the kindness manifested towards him personally on that occasion. There were a variety of reasons that should deter him from long trespassing upon the patience of the House: one was that the state of his health that morning was such that he was utterly unable to speak for any considerable length of time. He considered the vote taken on Monday last upon the resolutions of the honorable member from South Carolina [Mr. Pinckney] as declaratory of the indisposition of that House to entertain debate upon the unfortunate and deeply exciting question of the abolition of slavery. This was the reason why he had taken the present course, instead of waiting for a more favorable opportunity to express what he thought due to himself as a member of the House, and due to his constitutents as their representative.

The article to which Mr. P. referred was contained in an abolition paper, printed at the capital of the State he had the honor, in part, to represent. The paper (said Mr. P.) was too insignificant, and too odious, in the eyes of his constituents, to claim the slightest attention from him, for any statement which might appear in its columns, but for the circumstance that it had been read in another branch of Congress, at the instance of an honorable member of the United States Senate. So far as that gentleman was concerned, he would again take occasion to say that the explanations made by him, both promptly in his place and to Mr. P. subsequently, were perfectly satisfactory. The gentleman had no design of attacking Mr. P., but, in rushing to the particular object, he had swept him along with it. From the course Mr. P. had taken upon this

question, not only in that House, but every where else, at all times, and on all occasions, he could not but anticipate the denunciation of the northern abolitionists. But he had a right to expect that at least no southern gentleman would have in any way become instrumental in publishing an incendiary article, which was equally unjust, both to Mr. P. and to his constituents. Whether, as has been said, there be incidentally a conjunction between two parties of this Union, to shake it to its centre, it was not for him to say, but he would express his belief that there was sufficient patriotism and moral firmness in the sunny clime, and patriotism and moral firmness enough among the snow-capt hills of the North, to put down agitators, if they existed in both sections of the country, and to transmit an unbroken Union to posterity, with all the rights and privileges secured by the constitution, and now happily enjoyed under it. That he might be perfectly understood, he would send to the Clerk's table the paper which had been read in the Senate.

[The article was then read by the Clerk, as follows:

Hon. FRANKLIN PIERCE.—"An honorable member from New Hampshire [Mr. PIERCE] has said that not one in five hundred of his constituents were in favor of the object of these petitions" (for the abolition of slavery in the District of Columbia.)—*Mr. Slade's speech.*

"Figures will not lie," though the representatives of the people sometimes do. "Facts are stubborn things," even when opposed by the magisterial *ipse dixit* of lawyers and legislators. The truth of these apothegms "the honorable member from New Hampshire" has undoubtedly learned before now. The present, however, is an occasion when he may be taught another lesson. He asserts "that not one in five hundred of his constituents are in favor" of petitioning Congress to abolish slavery in the District of Columbia. We wonder where his constituents reside. Not, certainly, in New Hampshire, if this account of them is correct. Such an assertion is a libel on the views and feelings of the people of this State; facts and figures will prove it so.

The number of inhabitants in New Hampshire, in 1830, over 20 years of age, was 133,313. Now, we have lying before us, from six towns only, petitions to which are affixed, by their own sign manual, the names of more than 700 individuals. Besides these, there have been procured in a single town in Strafford county the signatures of more than 300 legal voters. Another town in the same county will furnish nearly 600, another about 300, and others upwards of 200 each. These signatures have been obtained with comparatively but little exertion. But these are not all, as Mr. Pierce will find before the present session of Congress closes. Large petitions have already been sent on, and others are still in circulation. From these facts we may safely calculate that more than four thousand persons will send in their petitions, not, however, by a dough-face like Mr. Pierce, for the abolition of slavery in the District of Columbia. Let us, then, test the correctness of the honorable gentleman's assertion by the following calculation: The present population over 20 years of age being 133,313; then 133,313 : 4,000 = 33; thus showing that, instead of only one in five hundred being in favor of such petitions, one in thirty-three have already signed them, besides numerous others who are ready to do the same. If Mr. Pierce is as grossly ignorant of the general interests of his constituents as he is of their feelings and views in regard to slavery, we advise him to resign his seat immediately, and prepare himself to represent them by spending the ensuing year in travelling among them, and making inquiry into their condition and opinions. If he should do this, and if he should faithfully portray, in the course of his tour, the various scenes he has witnessed at the capital of this republic, and under the very banner of our freedom—the prison-house in which human beings are incarcerated for the crime of color—the auction scene, where men, women, and children, are sold like brutes to the highest bidder; the violent and ruthless breaking up of families, and all the social relations of life—the separation of husband and wife, parent and children—the gloomy coffle—the heart-breaking procession of victims bending their way in chains to the far South—the bloody lash and savage voice of the foul driver—the tear, the groan, and the clanking manacle—if he will portray all this, and then, as a peroration, recount his own conduct in regard to abolishing the accursed system of which the above incidents constitute only a part, we assure him, from our knowledge of human nature, that "his constituents" will never trouble him to represent them again, but will permit him to retire *in solium cum dignitate*, to private life.]

Mr. P. then proceeded. The text of this article purported to have been taken from the speech of an honorable member of that House, [Mr. SLADE, of Vermont.] It so happened that Mr. P. was not present at the time that declaration was made, and he was first made acquainted with it by an honorable member from South Carolina, but it was then too late to do what he would have done on the occasion, had he been present. If the gentleman who made that remark had any evidence in his possession upon which the conviction of Mr. P's error was made, he should be glad to have that evidence. If not, until that gentleman had associated as freely with Mr. P's constituents as he had done, and consequently had the same opportunity of knowing their opinions and sentiments as he had, he must be permitted to take his own judgment in preference to the gentleman's.

Mr. P. said he was not mistaken. It was difficult in any case to prove a negative; it would be impossible in this. But while the yeomanry of New Hampshire refuse to entertain, refuse to hear, incendiary lectures, and while they refuse to send in petitions for the abolition of slavery in this District or elsewhere, what is the inference? Are they to be charged with a disposition to invade your rights and to wrest from you your property? Sir, (said, Mr. P.,) it would be a strange deduction, and yet it is the only logic by which his constituents could be made to entertain incendiary designs, or their representative be charged with a false statement. No age nor country had ever been free from fanatics; no age or country had ever been without enthusiasts, and consequently no doctrines, however preposterous, would be without their advocates, and none too visionary to find support; and with equal justice and propriety might the whole people of New York be charged with being followers of Matthias as the people of New Hampshire for favoring the designs of the Knapps, and Garrisons, and Thompsons, because some one or two adherents of those individuals might be found among them. The feelings of his constituents were strong, and had been fully demonstrated.

What were the remarks for which he had been arraigned, not only before the public, but before the Senate of the United States, as having been guilty of untruth in his place on that floor? What he said was, that there was no such disposition among the people of his section of country as that indicated by the gentleman, [Mr. SLADE,] and that not one in a hundred of Mr. P's constituents who did not entertain the most sacred regard for the rights of their southern brethren, and not one in five hundred who would not have those rights protected at any and every hazard. When he made that remark, he did not, of course, intend to include the children, who knew not what they did, nor the ladies, who in their proper sphere had his highest respect and veneration. He

meant to speak of the yeomanry of his country, the legal voters. With this qualification, he was prepared to reassert all he said before. He would go farther. Within the last six months, as every one there must know, the subject of abolition had been much agitated in public, and he had never seen yet the first abolitionist, man, woman, or child, within his knowledge, in the district in which he resided.

Mr. P. also understood that, since he had made his statement, a report had gone forth from member to member of the House prejudical to his character. It was this: that the petitions had been received there, and were there with a large number of names upon them, praying the abolition of slavery in this District, and that his colleagues and himself had held them back. He now had a member in his eye, who, he understood, had heard that statement; and he called upon that gentleman to state how the fact was.

Mr. HIESTER explained that the report he had heard was, that there would be petitions sent on from the gentleman's district, with four or five thousand signatures attached to them. Mr. H. had heard nothing of their having come on.

Mr. PIERCE said that was partly what he understood, that petitions had been signed by four or five thousand names, for the abolition of slavery within the District of Columbia. He should regret exceedingly if any member, or any man living, could suppose him capable of stating in his place in that House, or any where else, what was an untruth. Before, however, he proceeded to the "mathematics" of this article, he would propound a single inquiry. He wanted to know if he was in error, and if any gentleman had in his possession, or had sent to him, any petition from New Hampshire, for the abolition of slavery in this District? If he had, Mr. P. trusted he would do him the justice to state the fact.

Mr. BORDEN said he had a petition of that character.

Mr. PIERCE wished to see it.

Mr. BORDEN said it was on the Clerk's table, having been presented on a former day.

Mr. PIERCE wished to know the number of signatures on it, and whether they were males, females, or children?

Mr. BORDEN replied that he could not tell.

Mr. PIERCE desired the Clerk to send for it. He again called the attention of the House to the article before referred to. The editor said he had already seven hundred signatures, and then went on to add that in all human probability six hundred legal voters would sign it in one township, and in another three hundred, in another two hundred, &c. Then, what does he do? He takes the number of individuals in the State over twenty years of age, and then assumes his presumptive divisor to show that one out of every thirty-three in that State were in favor of abolitionism.

With regard to the petition already presented, he should have supposed that it would have been sent to some member of the delegation. He was not aware that such a petition was here as the one he held in his hand, until since the abusive article was read in the Senate on Friday last. It was from the town of Plymouth, in the county of Grafton, and was sent to his colleague, [Mr. BURNS,] then and now confined to his room by sickness.

Mr. P. then referred to the signers of the petition, about two hundred and thirty in number, all of whom were females and children, not one male signature among them; and, to show how they must have been got up, there were fifteen signatures, all of the name of George; and he learned from his sick colleague that the greater portion of them were children. He would be much surprised if the petition presented by the gentleman from Massachusetts were not of the same character.

Mr. P. took that occasion to state another fact. Since he had the honor to address the House at an early period of the session, primary meetings of the people of New Hampshire had been held in every single county, in which almost every township had been represented, and they had there investigated his statements, and passed upon this subject. Strong resolutions had been adopted at all of them upon this very subject, with, as he believed, but three dissenting voices; and those of his own county had been adopted unanimously.

Mr. P. then read them, as follows:

Resolved, That the regulation of master and slave is a matter exclusively within the regulation of the States in which it exists, and that any interference by the inhabitants of other States in regard to it is not only unauthorized and intrusive, but faithless and dishonorable, as being against the letter and spirit of the sacred compact which binds us together.

Resolved, That those who promote inflammatory discussions, and are guilty of disseminating among the slaves of the South publications the tendency of which is to excite servile insurrection, are regarded by us as persons prompted by the most reckless wickedness, or by an insane fanaticism fully as mischievous in its consequences.

Let him ask, then, whether, after such an expression from his own county, and from the people of his State generally, he was to be held up as having stated what was untrue? After such testimony as this, was the State he had the honor in part to represent to be arraigned upon the authority of a worthless and miserable incendiary editor? Mr. P. then referred to the other petition, presented by Mr. BORDEN, and it was found, with the exception of about thirty, to be all signed by females. Mr. P. said he could adduce many other facts that would show conclusively that there was hardly a difference among the yeomanry of his State. Mr. P. was not only charged in this article with an inaccuracy of statement, but there was applied to him an epithet that had been made notorious in consequence of having been used on a memorable occasion, by one of the ablest debaters of any age; at the North it was understood to designate a "craven-spirited man." Mr. P. said he would not intentionally injure the feelings of any man; he would not provoke an assault, but he would take occasion to say, in his place there, once for all, that if any gentleman chose to take that statement as correct, he might put Mr. P's spirit to the test, when, and where, and how, he pleased. Mr. P. said he was too unwell to proceed, and he would conclude by expressing a hope that if ever hereafter his character should be arraigned, intentionally or unintentionally, it would be upon no better authority than that of a worthless editor of an incendiary abolition publication.

Mr. PICKENS said, as to the paper which had been read, he had never seen it. He had only to remark that the reading of it in the Senate had, he understood, been only with a view to show, presumptively, that the abolitionists were more numerous than an honorable Senator [Mr. HILL] declared them to be.

Mr. HAMMOND asked the permission of the House to put a single question to the gentleman from New Hampshire.

It being objected to, Mr. H. moved to suspend the rules, and stated that the point he wished to inquire about concerned himself personally. The motion was agreed to, and the rule was suspended.

Mr. HAMMOND then said he wished to ask the gentleman from New Hampshire if he intended, in any part of the remarks he had just made, to charge, directly or indirectly, that there was any connexion between any two parties in this country, of one of which he (Mr. H.) was a member, for the purpose of dissolving the Union?

Mr. PEIRCE replied that he had not said so, and had not intended to say so.

Mr. HAMMOND said he was perfectly satisfied.

The SPEAKER then announced the special order, being the appropriation bills.

Mr. MASON, of Virginia, moved to suspend the rules for the purpose of calling the States for petitions; which was agreed to.

Petitions and memorials were then presented.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. BRIGGS presented a petition praying the abolition of slavery in the District of Columbia.

Mr. WISE demanded the question of reception, and inquired whether it was the understanding of the Chair that all the memorials heretofore presented, and those to be hereafter offered, were, as a matter of course, to be referred to the select committee, under Mr. PINCKNEY's resolution?

The CHAIR replied that the memorials heretofore received had been referred to the select committee. As it regarded those to be hereafter offered, that question was not now before the House. The motion of the gentleman from Virginia, not to receive the present petition, was in order.

Mr. WISE inquired whether it was competent to debate his motion.

The CHAIR said it was.

Mr. WISE said they could not turn the wheels of time backward; an understanding of the question of the abolition of slavery must be had now or never. He did not consider that the question of abolition was settled, or could be settled, by any evasive measures. Be it remembered, by the people of this country, that it was not the people of the South, or their representatives, who introduced this subject before the Congress of the United States. Be it remembered, that it was the people of the North who got up abolition petitions, and their representatives who presented them, that introduced that subject; and, if there be agitation and agitators, the people and representatives of the South are not concerned in it. They deprecate the agitation of that subject in Congress and elsewhere. The people of the South have protested against it in every form, but still you will receive those petitions, refer and legislate upon them; and it is time that the South were acting. At the beginning of the session, when the States were first called for resolutions, be it remembered by all, that a gentleman from Maine [Mr. JARVIS] offered resolutions upon the subject; and when the whole subject was brought before the House by the northern representatives, were southern men to be silent? If the representatives of the South had remained silent when the subject of legislation upon southern rights was brought up by northern representatives, they would have been recreant to their constituents and to the whole South. Strange, indeed, was it that a southern man should make a charge of agitation against the South, and come forward with an evasive proposition at a time when gentlemen were ready to give the southern people the resolutions they wished. That a southern representative should have done so is astonishing, and he hissed him and spurned him as a deserter from the principles of the South.

The SPEAKER called Mr. WISE to order, and said that the gentleman must take his seat.

Mr. WISE remained standing, and the SPEAKER repeated that he was called to order, and he must be seated.

Mr. WISE still remained on the floor, and the SPEAKER, in reiterating the call to order, appealed to the House to sustain the decorum of the body.

Various members in every part of the House now called to order, and Mr. WISE resumed his seat.

Mr. W. B. SHEPARD moved that the gentleman have leave to proceed.

Mr. RICE GARLAND called for the yeas and nays; which were ordered.

Mr. ADAMS said he understood the usual course to be that the words of the gentleman must be taken down, and then he must be asked whether he acknowledged those to be his words; and he moved that the words be taken down, and the gentleman so interrogated.

The CHAIR said he had directed the Clerk to take down the words of the gentleman, and they would be read.

The words were then read by the Clerk, as follows: "He hissed him and spurned him as a deserter from the principles of the South."

Mr. WISE denied having used those words.

Mr. GRANGER asked if the House must not then pass upon those words, and say whether they were the words of the gentleman or not?

The CHAIR said yes.

Mr. PATTON said he must hear witnesses before he could decide, as he did not hear the gentleman.

Mr. WISE then asked leave to explain; which leave being granted,

Mr. WISE said he thanked the House most kindly for their indulgence. He thanked them, and was gratified to see that there was no power upon the throne, nor beneath the throne, that could tie the tongue of debate. He would not pretend to say what words he did utter; but he would say what he did not; and there were words taken down which he was reminded he had not said. He hoped the House would take the usual course, and that it would not make an example of so humble a person as himself.

Mr. ADAMS said he understood the gentleman to deny the words taken down; but if Mr. A. understood the gentleman correctly, he said he was not able to say what words he had uttered.

Mr. WISE remarked, that although he could not undertake to say, precisely, the words he had used, yet he did undertake to say that he had not used the words taken down.

Mr. PATTON did not deny the right of the House to take the question; but he could not vote on the question, *pro* nor *con*.

Mr. BOULDIN asked to be excused from voting, because he was not within hearing when the words were spoken. He did not expect to get by testimony the exact words spoken, with the context, without which the meaning of no words can be sufficiently understood to say, certainly, whether they be in order or out of order.

Mr. ADAMS said he was under the necessity of asking to be excused from voting on the question, because he could not say whether they were the words of the gentleman or not. As the gentleman had denied them, his impression would be that they were not his words; but the rights of two members were involved in the question; the rights of the gentleman from Virginia, [Mr. WISE,] and the rights of the member injured and insulted if the words were used. If, in denying the words, the gentleman had stated that he meant nothing personal, he would have been satisfied.

Mr. WISE said he did not know that he had a right to explain; as the right had been refused him by the Chair.

The CHAIR said the gentleman had a right to explain if he chose to avail himself of it.

Mr. WISE thanked the Chair most graciously. He meant to make no personal attack upon the gentleman from South Carolina, [Mr. PINCKNEY.] He meant to attack his resolution--to maintain the principles of his own (Mr. W's) resolution, and the principles of the South. He meant to characterize the course of the gentleman as treason to the South. He did not attack his motives; God only knew his motives. If there be in

this House a Judas Iscariot, who has received his thirty pieces of silver, he knew it not.

Mr. PINCKNEY here rose and interrupted the remarks of Mr. WISE. Sir, said he, this matter is progressing rather too far. I ask the permission of the House to say a word or two.

The CHAIR called to order. The gentleman from Virginia was in possession of the floor.

Mr. WISE continued. He wished to be distinctly understood that he did not attack the motives of the gentleman from South Carolina, nor to insult him personally; but he had a right to characterize his acts in what terms he pleased. Mr. W. said he did use the words, "hiss him as a deserter from the principles of the South;" and if he could not characterize his measures in such terms, he could not understand what was the freedom of speech. If there was any thing odious in the terms he had used towards the gentleman, he disclaimed it.

The CHAIR then varied the words according to the terms just avowed by the gentleman, viz: "He hissed him as a deserter from the principles of the South."

After some further explanations by the SPEAKER, in answer to inquiries by Messrs. WISE, PATTON, and VINTON,

Mr. PINCKNEY expressed the hope that the gentleman from Virginia would be permitted to proceed.

The CHAIR said that the pending question could not be debated.

Mr. INGERSOLL next attempted to address the House, but he was called to order, and took his seat.

Mr. W. B. SHEPARD withdrew his motion to permit the gentleman from Virginia to proceed.

Mr. WISE again repeated, that the words which he had used were, "that, in reference to the course of the member from South Carolina, [Mr. PINCKNEY,] he hissed him as a deserter from the principles of the South, on the abolition question."

The SPEAKER decided these remarks out of order.

Mr. WISE appealed from the decision of the Chair, but subsequently withdrew the appeal.

Mr. BELL moved that Mr. WISE be permitted to proceed in his remarks.

Mr. R. GARLAND called for the yeas and nays; which were ordered, and were as follows:

YEAS—Messrs. Heman Allen, Ashley, Bailey, Beale, Bell, Bond, Bouldin, Boyd, Briggs, Bunch, John Calhoon, William B. Calhoun, Campbell, Carter, John Chambers, Childs, Nathaniel H. Claiborne, Clark, Cleveland, Coffee, Coles, Connor, Corwin, Cushing, Deberry, Denny, Dromgoole, Everett, Forester, French, William K. Fuller, Galbraith, James Garland, Rice Garland, Glascock, Graham, Granger, Graves, Grennell, Griffin, Hiland Hall, Hammond, Hard, Hardin, Harlan, Harper, Albert G. Harrison, Hawkins, Haynes, Hiester, Holsey, Howard, Hunt, Huntsman, Ingersoll, Jenifer, Joseph Johnson, Henry Johnson, Kinnard, Lawler, Lawrence, Lay, Love, Loyall, Lucas, Lyon, John Y. Mason, Maury, McComas, McKay, McKennan, Mercer, Milligan, Morgan, Morris, Owens, Patton, James A. Pearce, Pettigrew, Peyton, Phillips, Pickens, Pinckney, Potts, Reed, Rencher, Roane, Robertson, Russell, William B. Shepard, Augustine H. Shepperd, Shields, Sloane, Standefer, Steele, Storer, Taliaferro, Thomas, John Thomson, Waddy Thompson, Towns, Turner, Underwood, Vinton, Webster, White, Lewis Williams, Sherrod Williams—108.

NAYS—Messrs. Adams, Ash, Bean, Beaumont, Boon, Bovee, Brown, Bynum, Cambreleng, Carr, Casey, George Chambers, Chaney, Chapin, Craig, Cramer, Crane, Cushman, Darlington, Dickerson, Doubleday, Dunlap, Efner, Fairfield, Farlin, Fowler, Fry, Philo C. Fuller, Gillet, Grantland, Haley, Joseph Hall, Hamer, Samuel S. Harrison, Hazeltine, Henderson, Hoar, Hubley, Huntington, Ingham, William Jackson, Jabez Jackson, Janes, Jarvis, Richard M. Johnson, Cave Johnson, Benjamin Jones, Judson, Kennon, Kilgore, Lane, Lansing, Gideon Lee, Joshua Lee, Thomas Lee, Leonard, Lincoln, Abijah Mann, Job Mann, Manning, Martin, William Mason, Moses Mason, Samson Mason, May, McKeon, McKim, McLene, Miller, Montgomery, Muhlenberg, Page, Parker, Parks, Patterson, Dutee J. Pearce, Phelps, John Reynolds, Joseph Reynolds, Schenck, Seymour, Shinn, Sickles, Sprague, Sutherland, Taylor, Toucey, Turrill, Wagener, Wardwell, Weeks, Whittlesey—92.

So the House decided that Mr. WISE should be permitted to proceed in his remarks.

Mr. WISE rose to address the House, but

Mr. VINTON made a question of order. He contended that, under the resolution of Mr. PINCKNEY, it was incompetent for the gentleman from Virginia to raise the question of the reception of this petition--that resolution having declared that all petitions which should hereafter be presented should be referred to the select committee appointed on the subject.

The SPEAKER explained the grounds of his decision. Under the resolution adopted by the House, the Chair considered that all the petitions which had heretofore been received or offered, and their contents stated, were referred to the select committee. The present petition had been proposed to be offered for the first time, and the Chair proceeded to assign the reasons which, under the peculiar state of the case, had induced the decision that it was competent to make the question which had been raised by the gentleman from Virginia, [Mr. WISE,] on the presentation of this memorial.

The decision of the Chair was sustained by Messrs. WISE, JENIFER, and PEYTON, and opposed by Messrs. BYNUM, CHAMBERS of Pennsylvania, BRIGGS, FRENCH, and HAWES.

In the discussion of the point of order, Mr. PINCKNEY was called upon by Mr. BYNUM to state the objects which he had in view in offering his resolution; and in reply, Mr. P. stated that he meant to embrace all the petitions which had been offered, and which should hereafter be presented or proposed to be offered, with the especial object of putting a stop to a discussion which he deemed exceedingly dangerous to the interests of the South, and to the perpetuity of the Union. He intended by his resolution to refer every petition on this subject to a select committee, in order that a report should be made, which would be satisfactory to the South, and acceptable to the North. He hoped the House would act consistently, and send all the petitions which might be offered to the committee. If the decision of the Chair should be sustained, his object in offering the resolution would be frustrated, and the House would be thrown into confusion, and the discussion which he contemplated to arrest would be continued. Had he supposed that this interpretation would have been put upon his resolution, he should never have submitted it.

While on the floor, Mr. P. hoped, he said, that he would be permitted to reply to an unprovoked, wanton, and unjustifiable assault, made upon him by a member from Virginia, [Mr. WISE.]

The CHAIR said the question pending was a point of order on an appeal from a decision of the Speaker. The gentleman from South Carolina [Mr. PINCKNEY] could not be permitted, at this time, to reply to remarks made on another subject.

Mr. PEYTON suggested that the gentleman from South Carolina should be permitted by the House to proceed in his contemplated remarks.

Objection being made,

Mr. PINCKNEY said this was a matter personal to

himself. His own self-respect would induce him to refrain from replying to the extreme and violent personalities of the gentleman from Virginia, unless agreeable to the House.

Further objection being made, Mr. PINCKNEY resumed his seat.

Before any question was taken on the appeal from the decision of the Chair,

Mr. GILLET (who had obtained the floor) remarked that he did not desire, nor did his constituents desire, that the question of abolition should be discussed in Congress. He did not, therefore, rise to make a speech; but as the questions of order growing out of the presentation of an abolition petition had occupied the House until the usual hour of adjournment, he moved that the House adjourn; which was agreed to; and

The House adjourned.

TUESDAY, FEBRUARY 16.

POST OFFICE DEPARTMENT.

The House resumed the consideration of the resolution, offered by Mr. SMITH, of Maine, proposing to take from the files of the House, and print, the letter of the late honorable William T. Barry, late Postmaster General, presented to the House of Representatives on the last day of the last session of Congress.

Mr. MASON, of Ohio, withdrew his motion for the reading of the letter.

Mr. HAWES renewed the motion, but subsequently withdrew it.

Mr. EVERETT said he regretted the necessity that compelled him to oppose the printing the letter of the Postmaster General; he disclaimed all personal feelings. With that officer he had not the honor of a personal acquaintance, and against him he entertained no unkind feeling. In the portion of the letter read, he called the attention of the House to the following passage: "When an executive Department of the Government is thus assailed by a committee of a branch of the legislative department, it is but an act of justice, due to the Executive, the people, and himself, for the head of that Department to present the facts to the public." The letter is thus, on the face of it, an appeal to the public against a report of a committee of this House, and laid on its table on the last hour of its session; and the motion of the gentleman from Maine is to ask this House to become the organ through which this appeal to the public shall be communicated. The letter asks no action of the House. He appealed to the House to say whether it was proper thus to come to the aid of any one who impugned the acts of the House or of its committee. The press is open to all, and through that all who are injured by acts of the House or its committee can make their appeal to the people. On this ground he should be opposed to give circulation to any complaint of the people made through the House against the acts of its committees.

Mr. E. then read the following from the letter: "But many of the most important subjects of complaint were concealed from the undersigned during the whole investigation, and were first made known to him by the publication of the report. The undersigned was frequently informed by members of the committee that nothing of an unfavorable nature relating to the adminstration of this Department had been, so far as related to himself, developed in the investigation; and in no single point in which the committee have been so lavish of their animadversion was an opportunity given for explanation or defence."

This passage contains a charge against the committee of concealment—of fraudulent concealment; and also of assertions inconsistent with truth. However intended, it, by its general terms, contains charges against the whole committee. Mr. E. said he would answer for himself. The charges could not with truth be applied to him. He had neither concealed any thing from the head of the Department, nor at any time made the statement referred to. He said he had no personal acquaintance with the Postmaster General: he had no personal communication with him during the examination: that no personal communication from him was expected. There were, however, members of the committee with whom, he had no doubt, the Postmaster General had free intercourse. There was nothing improper in it. No injunction against such communication was required or expected by the committee. He presumed that, in fact, the Department was informed of the character of the examination going on within its walls. Further, the committee, from time to time, sent resolutions to the head of the Department, not only for facts in relation to subjects of investigation, but for explanation, for the reason of his conduct; and that his answers were a part of the report. He appealed to the records of the committee for this fact.

He did not believe that any member of the committee was justly chargeable with the concealment complained of; or that the Postmaster General could justly complain of being uninformed of the proceedings of the committee.

As to the fact stated, that members of the committee frequently informed the Postmaster General that nothing of an unfavorable character was developed, &c., he would say that he gave no such information at any time; and he believed he was enabled to make the same declaration for the others of the minority.

Considering these charges, then, as unfounded, he could not vote for the printing of any paper that contained them. On these grounds, then, that the letter was a mere appeal to the people against the report of a committee of the House, a letter asking no action of the House, and, also, that it contained unfounded imputations against that committee, he should vote against the resolution.

Mr. HAWES said this was indeed a singular proceeding on the part of the gentleman from Maine, [Mr. SMITH,] and in the discussion of this question Mr. H. should neither spare his feelings, nor the feelings of any member upon that floor, nor any one in that House, or out of it, so long as he could keep himself within the rules of order.

In order that this question might be plainly understood by every member of the House, he should give a brief relation of it, and of the part taken by the gentleman from Maine, during the recess of Congress, in relation to this matter. Nor should he stop here, but he should go on to expose to the world the part that gentleman had acted.

It was generally known that the Post Office Department of this Government was considered mismanaged, and its funds misapplied; and that, by order of that House, a committee had been appointed to investigate its concerns. During the recess of the last Congress, he, together with the gentleman who had just addressed the House, and other members, who had been appointed the committee on that occasion, made a laborious investigation; and two reports, of the majority and minority of the committee, had been made, and scattered through the nation. The people, therefore, were as well informed as to the facts contained in those reports as their representatives. After the committee had made their reports, and a large number of them had been printed by order of the House, and circulated throughout the country, the then Postmaster General of the United States, now no more, whose friend Mr. H. was while living, and whose memory he held dear now dead, upon the last night of the last session of Congress, addressed a commu-

nication, not to that House, but to the people of this country, justifying himself against what he was pleased to call an attack made upon him by the committee. A proposition was now made by the gentleman from Maine, that this communication, which had been already printed in nearly all the public journals of the United States, should be printed by order of that House, and that the House should become the organ through which an attack was to be made upon a committee constituted by itself, and appointed by its Speaker. When the gentleman first offered this proposition, amounting to no more nor less than that the House should subscribe to the doctrines therein contained, and thus tear up the bones of the dead, Mr. H. felt it his duty, as an individual member of the House, implicated in the charges, and instrumental in making the report, to ask that gentleman to withdraw it. Mr. H. did so, as the late Postmaster General slept in his grave, and it was not the part of a friend to wish to arraign his bones again before the people of his country. What the gentleman expected to gain by this, and what he expected to gain by an elaborate letter addressed by himself [Mr. Smith] to the people of the United States, Mr. H. would not pretend to say. If he wished to be considered the defender of the dead, Mr. H. would tell him he would fail of his object. Nothing of that kind could happen, and the gentleman would find, before he got through, that he had subjected not only himself, but his asseverations, to an ordeal in which they would be proclaimed as false.

The CHAIR called the gentleman to order.

Mr. HAWES. I obey, sir; I beg pardon; I was led away by my feelings.

By the requirement of the CHAIR, Mr. H. took his seat.

Mr. PATTON moved that the gentleman from Kentucky be permitted to proceed. Agreed to.

Mr. HAWES assured the House that he was unwilling, upon any debate, to trespass upon the feelings of House generally, or upon those of any individual member of it. But, God knows, every member of the Post Office committee of investigation could lay their hands upon their hearts and say that, in the report they made, they did justice to the Post Office Department, to the individual head of it, and to the great body of the people of the United States. When every individual member of the committee knew they had done this justice, then to be charged by an individual member of the House with partiality, misunderstanding, with ignorance, and with every thing almost within the human language of a denunciatory character, was more than he could bear. Let him ask, where did the gentleman from Maine obtain the vast body of information he professed to be in possession of in relation to this subject? Was he engaged in the Post Office Department day after day, week after week, and month after month, rummaging for, and wading through, a vast mass of documents from the commencement of the Government to the present time? Had he done all this, that he was to be permitted to put the brand of falsehood upon the report of the committee? He pronounced the gentleman's own report to be false, grossly false.

The CHAIR called the gentleman to order for being personal to a member of the House.

Mr. HAWES explained that he was not then speaking of the gentleman as a member of the House, the pamphlet to which he referred having been published before the present Congress was *in esse*.

Mr. SMITH hoped the gentleman would be allowed to proceed.

The CHAIR said the rule was imperative, which he read. The gentleman had indulged in a personality towards a member of the House, and the gentleman could not proceed.

Mr. THOMPSON, of South Carolina, appealed from the decision of the Chair, on the ground of its encroaching upon the freedom of debate, as precluding allusion to statements made in publications issued, as the one alluded to had been, during the recess of Congress.

Mr. HAWES briefly explained. After the Committee on the Post Office Department had made their report, the gentleman from Maine had published a paper purporting to be, if Mr. H. recollected correctly, a comment upon that report, as a private individual, and not as a member of that House, attempting to prove that the Department was right and the committee wrong. It was in that way Mr. H. had thrown back the imputation cast upon the report.

The decision of the Chair was briefly opposed by Messrs. EVANS, WISE, MERCER, and PEYTON, and sustained by

Mr. SMITH, who, for himself, he said, had no objection that the gentleman from Kentucky should be allowed the utmost latitude, &c.

Mr. BYNUM said he did not come there to settle political quarrels. If the course was to be continued which had been commenced, they should in a short time have to come to the House prepared to protect themselves and their characters, as it would be out of the power of the Chair to protect them. If the position assumed by the gentleman from Tennessee [Mr. Peyton] and the gentleman from Virginia [Mr. Wise] be correct, they would have scenes of confusion and violence on that floor, before long, which would be a disgrace to the country and to the American Congress. For his own part, he must say that, feeble as his health was, whenever he found that the Chair could not protect him in the House, he must come prepared to protect himself. He conceived that, whenever a remark was made personal to any member of the House, that remark was out of order. Gentlemen did not come there to settle questions of veracity, but to do the business of the nation. He thought the House had seen enough to be convinced that this state of things must be put an end to; and he conceived it to be the duty of the House to sustain the Chair in his effort to preserve order.

Mr. BELL expressed a wish that the words of the gentleman from Kentucky be taken down, so that the House might know what he was called to order for.

The CHAIR said he was not bound take down the words of the gentleman from Kentucky, but he would state that he understood him in substance to say that he pronounced a certain paper false, and attributed that paper to a member of the House, and stated that that member had been guilty of a falsehood in publishing that paper.

Mr. HAWES said he was as much in favor of supporting the exertions of the Chair to preserve order as any member, and must say that he concurred in every remark made by the gentleman from North Carolina, [Mr. Bynum.] In alluding to the paper published by the gentleman from Maine, he had said it was "grossly false;" but that paper was neither published at the expense of the Government, nor, by any member of that House, as such; and, on that account only, he conceived the Chair took it to be a personal insult to a member of the House. Mr. H. spoke in allusion to that paper, and pronounced it false. Perhaps the gentleman did not know it to be false; and he might not have written the paper, although his name was signed to it, and Mr. H. had an idea that that paper was not written by the gentleman, but was written in the Post Office Department, by an officer of that Department.

Mr. WISE moved that the House give the gentleman from Maine [Mr. Smith] leave to explain.

Mr. SMITH said he did write the pamphlet alluded to, every word of it, and was responsible for it, and every

sentence of it would be found based upon, and supported by, the records of the Post Office Department.

The SPEAKER called for order, and Mr. S. thereupon took his seat.

Mr. GILLET objected to the motion being received.

Mr. WISE said, as the gentleman from New York objected, he was satisfied.

Mr. HAWES believed the Speaker was right in calling him to order, as he understood his remarks; but he again repeated that he did not allude to a member of this House, and he must be understood to be out of order in assailing the papers of that member, when he acted as a private individual in publishing that paper.

Mr. MILLER contended that the Chair was perfectly correct, and that it was the duty of every member of the House to sustain him. A false issue was made to the House, and if gentlemen were permitted to refer to written papers with the names of members of Congress attached to them, they might attack and denounce every document published by gentlemen as false, and, if that state of things was to be admitted, you might as well blot out your rules.

Mr. WADDY THOMPSON called for the yeas and nays; which were ordered.

Tr. PATTON hoped the appeal would be withdrawn.

Mr. WISE understood that the gentleman from Kentucky was called to order, first, for the irrelevance of his remarks to the subject under discussion, and, secondly, for indecorum in debate; and he wished to know whether there could not be a division of the question.

The CHAIR said the question could not be divided.

Mr. WISE then asked if the words of the gentleman were taken down.

The CHAIR said they were not, but that the gentleman from Virginia [Mr. WISE] could take them down, and send them to the Clerk's table to be read.

After some further remarks by Messrs. EVANS, WISE, HAWES, UNDERWOOD, and BYNUM,

Mr. GRENNELL presented the following, which he believed to be the words of the gentleman from Kentucky:

"A letter published during the recess of Congress, to which the name of the gentleman from Maine [Mr. SMITH] was signed, contained a statement which in truth and in fact was grossly false."

The question was then put upon the appeal from the decision of the Chair, and decided in favor of that decision: Yeas 159, nays 42.

So the decision of the Chair was sustained.

Mr. WISE moved that the gentleman from Kentucky [Mr. HAWES] be permitted to proceed.

Mr. HAWES, on leave, remarked that the House having decided by a large majority that the words used by him were out of order, he submitted cheerfully to that decision. So far as he was concerned, he would in future endeavor not to infringe those rules of order and proceeding so essential to the transaction of the public business. If it should be the pleasure of the House to permit him to proceed with the discussion to-morrow, he should carefully guard against any infringement of the rules of order.

The House determined that the gentleman from Kentucky should be permitted to proceed when the subject next came up for consideration.

The CHAIR then announced the special order of the day.

SUFFERERS BY FIRE IN NEW YORK.

On motion of Mr. CAMBRELENG, the House proceeded to execute the special order of this day, and went into Committee of the Whole on the state of the Union, Mr. CONNOR in the chair, on the bill for the relief of the sufferers by the late fire in New York.

The question pending was the motion of Mr. HARDIN to strike out the first proviso in the first section, which is in the following words:

"*Provided*, That those who are within the provision of this section, but who may have paid their bonds subsequent to the late fire, shall also be entitled to the benefit of this section, and that the said bonds shall be renewed from the day when the same were paid, and said payments refunded."

Mr. PHILLIPS, who was entitled to the floor, rose and addressed the committee as follows:

Mr. Chairman, I have felt it my duty to examine, with care, the provisions of this bill, and to weigh the objections which have been urged against it. From an acquaintance with the state of business, and the general situation of merchants in the city of New York; from personal observation of the immediate effects of the recent calamity; and from inquiry into the probable extent of its wide-spread consequences, I have been convinced of the importance, nay, of the absolute necessity, of some early provision, on the part of this Government, for the relief of its debtors in that city; and, upon reflection, I am satisfied that it is not more the impulse of liberality than the obvious dictate of sound policy to do at least all that is proposed in this bill.

The bill provides for two objects: first, the relief of such debtors of the Government as were immediate sufferers by the fire; and, secondly, the relief of all who were indebted to the Government in the city of New York at the time when the fire occurred. The proposed relief is confined, in both cases, to debtors of the Government, and consists simply of an extension, without interest, of the time of payment of bonds given to secure the duties upon goods recently imported. This relief it is proposed to afford in the largest measure to the immediate sufferers, and in a less degree to the others who are supposed to be liable to temporary embarrassment, if not direct loss, from the necessary consequences of such a calamity.

The extension of payments thus provided for is an indulgence which the Government can grant, in the present state of its finances, without inconvenience, and, under the existing arrangements of the Treasury Department, without any sacrifice. Such is the amount of surplus revenue already collected, that, if these bonds were paid at maturity, the Government would have no use for the money, and it would be suffered to lie in the deposite banks without interest. The effect of the bill will, therefore, be to allow to the debtors of the Government, rather than to the banks, the gratuitous use of the amount of the bonds during the time of extension. So far as the privilege which the banks would otherwise enjoy may be thus curtailed, they can have no right to complain, since the use of the Government balances that will still remain in their hands must be more than an ample remuneration for the services they perform.

All that is proposed, then, is nothing more than an ordinary arrangement, to which, under various circumstances, creditors are often obliged to accede, from considerations of prudence and liberality. In this case, while there may be reason to suppose that, by refusing such temporary accommodation, the Government might fail of securing its debts, it is clear that, by granting it, it will afford direct and effectual relief to its debtors, and, in relieving so many of them, do much to restore confidence and hope to a distressed community.

The relation between the Government, as a creditor, and the citizens whom it requires to become its debtors, by giving bonds for duties upon imports, is, under our revenue system, in several respects, peculiar; and the course of the discussion upon this bill has shown that it is not sufficiently understood. It differs essentially from

the usual relation between creditor and debtor, inasmuch as it results not from an ordinary and voluntary contract, as between buyer and seller, but from a legislative exaction, which creates the debt without furnishing to the debtor an immediate, but only a contingent, equivalent. Let me endeavor to illustrate my meaning upon this point, confining the illustration to the case of duties secured by bonds. Immediately upon the arrival of a ship in port, before the cargo can be landed, the importer is required to execute his bond, with sureties, for the amount of duties on the goods consigned to him; and, from that moment, except that he is entitled to an allowance for damage ascertained to have been incurred during the voyage of importation, he is responsible to the Government for the amount of his bond, whatever losses he may incur in landing and storing the goods, or while they remain in store, before he has had an opportunity of disposing of them for consumption or export. Should the goods be exported, he is entitled to a drawback of the duty; if they are sold for consumption, the duty becomes an increment of value, and is received back by the importer in the price which the consumer pays; but while they remain in the warehouse of the importer, even, as in many cases, under the lock and key of the custom-house, the Government holds him responsible for the duties, against all risks; and, should the goods be destroyed or lost, will still exact the payment of his bond. Now, it is obviously of no advantage to the importer that a duty is thus levied upon his goods, and it is as obviously not the design of the revenue laws that he shall be a loser, by reason of his being held subject to the payment of the duty; but the design is, that the payment of the duty shall devolve ultimately upon the consumer, and the Government employs the importer as its agent for collecting the duty from the consumer. When the importer has sold the goods to the consumer, (though he is obliged to take upon himself the risk of bad debts, without any guarantee from the Government,) he has realized a consideration for his bond, and acquired the means of paying it; but, until that contingency has occurred, he remains in the situation of an agent who, upon the receipt of goods on consignment, has made an advance in cash, or given an acceptance to his principal, without being able to avail himself of the legal privilege of the agent in such cases, of recovering from the principal the amount of the advance or acceptance, if the goods should be lost or destroyed, in landing or in store, before they can be sold.

The disadvantage and injury to which the importer is thus exposed may be attributed to a prominent defect in our revenue laws—the want of a warehousing system. In England, where that system, after many gradual efforts to establish it, has been in full operation since 1826, the evil does not exist. It is there provided that the importer, upon landing his goods, may deposite them, under the inspection of officers of the customs, in a "warehouse of special security," as it is termed, which may be a private store or quay, duly licensed for the purpose, under prescribed regulations; and the goods are allowed to remain in such warehouse for a term of three years, subject only to the standing bond of the proprietor or occupier of the warehouse, or the special bond of the importer, "for the payment of the full duties of importation, or for the due exportation of the goods. If within three years the goods are exported, the bond is discharged; if they are taken "for home use," the duties are payable in cash upon delivery from the warehouse. While the goods are warehoused, the duty does not accrue; if they are lost or destroyed by unavoidable accident in the warehouse, the duty is not held to be payable; or if they are lost or destroyed "in landing or shipping," or "in the receiving into or delivery from the warehouse," the duty, "payable or paid," is remitted or returned. While the goods remain in the warehouse, sales may be made by one party to another, (the law prescribing a mode of transfer,) and the purchaser succeeds to all the privileges of the importer; or, rather, the privilege attaches to the goods, so long as they remain in the warehouse, whatever may be the changes of ownership in the meanwhile. It is not until they are about to pass into immediate consumption that the duty is payable; and thus the importer has the opportunity of collecting the duty from the consumer before he is required to pay it to the Government; and it is only after the goods have passed into the consumer's hands that the Government is released from the risk of losing the duty, in consequence of any unavoidable accident (by fire or otherwise) that may befall the goods.

Such, Mr. Chairman, is the design of the English warehousing system; and the gentleman from South Carolina [Mr. PICKENS] will perceive that, in a case like the present, it would save harmless (in respect to liability for duties) most of the importers for whose partial and temporary relief this bill makes provision. Had the English system been in operation at New York, a large proportion of the imported goods destroyed by the fire would have been warehoused; the duty would not have accrued, and would not have been payable; and the Government could not have been a gainer by the calamity, as it now may be, since it has secured the duty upon all goods which, if not burned, would have been exported, and will derive an increase of revenue from the importation of goods required to supply the place of those (also burned) which were intended for consumption.

I regret, sir, that the warehousing system could not, long since, have been introduced here. As perfected in England, it affords innumerable advantages to the commerce of the country, and has not proved liable to abuse. I perceive no sufficient obstable to its introduction here. The principle was partially recognised in the sixtieth section of the act of Congress of the 2d of March, 1799, providing for the landing, storing, and relading, of the cargoes of ships ariving from foreign ports in distress, without requiring the consignee, in such cases, to enter the goods and secure the duty. The allowance of drawback upon goods imported is also a partial recognition of the principle; but it is only by adopting the system in its entire extent that we can secure to our citizens the same advantages of foreign trade that are now enjoyed in England, as well also as at most of the principal ports of the continent of Europe. The fire at New York furnishes striking proofs of the injury and injustice to which merchants are exposed, from the want of the system; and I shall consider it as the strongest indication of friendly regard for the mercantile interest, whenever Congress shall see fit to entertain a suitable proposition in reference to this object. I shall cheerfully vote for this bill, because I consider it founded in the most equitable principles, and because it provides for a case of suffering of appalling magnitude; and yet I am not unaware that it furnishes some foundation for the charge of partial legislation, inasmuch as there have been other cases, similar in all important respects to this, in which importers, from unavoidable accident, have been subjected to the loss of goods upon which they had secured the duties, and have received no relief from the Government. It is impossible to refer to any single case which exhibits an amount of loss at all approaching to what has been sustained at New York; but I am safe in saying that the aggregate of losses in such cases as the Government has failed to provide for, if it could be ascertained, would prove that importers have been hitherto great sufferers from the unjust

operation of laws which are still in force, and from the want of a system which might easily be established.

The gentleman from South Carolina, [Mr. PICKENS,] misapprehending, as I conceive, the relation between the Government and the importer, upon which the provisions of this bill are founded, has illustrated his view by the assertion that the claim upon the Government is the same, or that there is equally no ground for a claim, whether the sufferer by fire is an importer at New York, or a purchaser of imported goods at Cincinnati. The Government is clearly under no obligations to the dealer at Cincinnati. It has subjected him to no legislative exactions; it holds him under no peculiar responsibilities; it sustains towards him no other than the ordinary relation of Government to a citizen. It is, more especially, in no sense his creditor; it has no demand against him as a debtor; and, most of all, it cannot regard him as a debtor of whom it is requiring the payment of a debt for which it has given him no equivalent, and in regard to whom the contingency, upon which alone depended the opportunity of his realizing an equivalent, through unavoidable accident, cannot occur. This, then, is the distinction between the two cases, resulting from the widely different relations which the supposed sufferers sustain towards the Government. When the foreign goods pass from the importer to the consumer, (or to the consumer's agent, the purchaser for consumption,) I agree that the duty becomes an increment of value; that the importer then realizes the equivalent for what he has paid or owes the Government; that from that time the importer can have no claim upon the Government, growing out of the peculiar relation which he had assumed; and that, of course, he cannot transfer to the consumer, or his agent, an equitable right which was peculiar to himself as an importer, and has ceased to exist. The purchaser for consumption buys the foreign goods of the importer, as he would buy any other goods, for a fair consideration, and afterwards holds them, as he would hold any other goods, at his own risk. His contract with the importer does not involve any assumption of responsibility to the Government; he cannot therefore prefer a claim against the Government, as resulting from that contract; and there is no other ground upon which he can rest a claim. Whenever the Government shall return to a system of which its experience has been too unfortunate again to recommend the adoption, and shall levy an excise upon whiskey before it has been removed from the vats, or, at least, from the warehouse of the distiller at Cincinnati; and when that distiller can state the fact to Congress, that, as one of the sufferers by an awful conflagration which has reduced to ashes an extensive section of the thriving emporium of the West, he has been deprived, by the destruction of his property, of the means of recovering from the consumer the amount of the excise which he has paid or owes the Government, there may be a case at Cincinnati resembling, in some of its features, and in its equitable claims to the consideration of Congress, the present case at New York.

I have thus far confined myself to a statement of some of the reasons which induce me to regard it as an act of justice, to make provision for those debtors of the Government who have been immediate sufferers by the fire—the first class designated in this bill. My convictions lead me to the conclusion that the most reasonable objection to the first section of the bill is, that it falls short of its proper object; and that it should have provided, not simply for an extension of the time of payment, but, under suitable regulations, to prevent fraud, for the absolute remission of the duties upon all goods subject to duty which were destroyed by the fire. And, sir, if any argument applicable to this case is to be drawn from that clause of the constitution which requires duties to be "uniform," I submit to the gentleman who has quoted it, [Mr. PICKENS,] whether it is not virtually a palpable disregard of uniformity to require of the importer, whose goods perished in the fire on the day of their landing, or on the day preceding that on which (the outward entry, perhaps, having been lodged at the custom-house) they were to have been exported, or on any intermediate day, so long as they remained in his hands undisposed of for consumption or export, the same duty which has been paid by another importer, who has received the duty from the consumer, and has thereby been enabled to act, as the law intended he should act, merely as the agent of the Government in collecting the duty which is thus actually paid by the consumer? Upon a proper construction of the clause, however, I do not consider it as furnishing any argument applicable to this case; and I suppose it only designed to prescribe that the general revenue laws shall operate equally and alike throughout the country, without restraining the power of Congress to make suitable provisions for extraordinary cases arising under those laws, as necessity, justice, or the public interest, may require. I will barely submit, in this connexion, that, to ensure the most salutary effect to this and every part of the constitution relating to the collection of revenue from imports, and to the regulation of commerce incident thereto, there is no legal provision so practicable, so simple, and certain in its operation, and so well adapted to exclude cases of special legislation, as a warehousing system.

It is my deliberate opinion, for the reasons which I have stated, that the importers of "dutiable" goods destroyed by the fire, and upon which the bonds are in the course of collection, may justly claim a remission of duties. If the bonds have been collected, or if the duties were paid in cash, I hold, for the same reasons, that the amount of duty in such cases should be refunded. But, at this point, the gentleman from Pennsylvania [Mr. CHAMBERS] encounters a difficulty which, it appears to me, may be easily removed. Confining himself to the case of bonds which have been paid, he says, that as soon as they are paid, the relation of creditor and debtor ceases; and that thereupon the claim of the importer upon the Government expires. Allow me to suggest to him, that though the bond has been paid, if good cause shall subsequently appear why it should not have been paid; or if it can be shown that the consideration for which the bond was given has not been and could not be realized; or if, where the duty was paid in cash at the time of entry, the exportation of the goods has entitled the importer to drawback; that, in all these cases, the fact of payment has not settled the account; and that, it may be, the relation of creditor and debtor, instead of having ceased, has in effect been reversed—the Government having become the debtor for the amount paid, and the importer, as a creditor, being entitled to reclaim it. The English law, in the cases to which I have referred, authorizes the commissioners of customs to "remit or return" the duties "payable or paid;" and the gentleman, in justice, must acknowledge that, when he can agree that the duty cannot equitably be claimed by the Government, he should be equally ready to refund the money if it has been paid, or to give up the bond if it has been secured. He surely will not attempt to screen the Government from the obligation to do equal justice to two claimants, similarly situated in respect to the merit of their claims, merely because one claimant had been obliged or had chosen to advance the amount which he claims in cash, and the other had been suffered to substitute his bond; or between two claimants similarly situated in all respects, except that both having given their bonds, the bond of one should happen to fall due the

day before, and that of the other the day after, the occurrence of an event which it is admitted annuls the consideration for which both bonds were given.

Instead of providing for the remission of duties on goods destroyed by the fire, and for refunding the money in such cases when the duties have been paid, the bill simply provides (with the single exception of the first proviso in the first section) for an extension of credit to the importers, to allow them time to recover from the necessary embarrassment of their present situation; and to afford them some advantage in the saving of interest upon the amount of their bonds. The gentleman from Vermont, [Mr. Everett,] regarding this extension in the nature of a loan, would charge them with the full rate of interest. Had these debtors actually received the principal of their debts from the Government, the charge of interest might not be deemed unreasonable, were it not that their unprecedented misfortunes entitle them to the most liberal indulgence usually or ever granted under extreme circumstances; but I submit to the gentleman that the principal of the debts, that is to say, the amount of the bonds, has not been received by the debtors, when the goods, upon which the duties have accrued, have been destroyed in their hands before they have been enabled to dispose of them. With this understanding of the case, I am sure he will agree with me that, if the Government is not bound in equity to release the debtors altogether, it will have been sufficiently rigorous in prosecuting its legal claims against them if it should allow a short season of delay before insisting upon payment. I have already suggested that, by the existing Treasury arrangements, if the bonds were promptly paid, the Government would suffer the money to lie, without interest, in the deposite banks; and that, therefore, the Government cannot be a loser by allowing the proposed extension. The gentleman says that the arrangements with the deposite banks have not been made, and will not be continued, with his consent; and that he would not permit the use of the Government funds, either to importers or banks, without requiring interest. I agree with the gentleman in all his general views in respect to the management of the public money; but I presume he has as little faith as myself in the practicability of changing the present system; and that he cannot be disposed, (yet such would be the virtual operation of his amendment,) to restrict the demand of interest to such sufferers as this bill provides for.

It is undeniable, as has been suggested by the gentleman from Vermont and others, that the proposed extension of payments to the immediate sufferers will afford relief unequally, and, in some instances, in striking disproportion to the losses actually incurred. Any provision which comes short of remitting the duties upon all dutiable goods destroyed by the fire must operate unequally; and if this consideration should lead the committee to determine that it is more equal as well as more strict justice—in other words, that it is the only mode of doing justice—to authorize such remission, I shall be entirely prepared to acquiesce in the decision. Still I cannot abandon the bill in its present shape, from an apprehension that its beneficial effects will not precisely correspond to its design in all the cases to which it may be applied. We can pass but few laws not liable to this objection; and, in respect to this bill, I content myself with the conviction, that it will produce much general benefit, and can furnish but few causes of complaint. I would prefer, as a substitute for the first section, the provision in favor of which I have argued; but the bill comes to us from the Senate; the committee who have it particularly in their charge do not propose to amend it; and I am willing, under such circumstances, to take it as I find it. I do so the less reluctantly, as we have had an intimation that the provision I desire may yet be proposed in a separate bill.

The second section of the bill proposes to relieve all the debtors of the Government in the city of New York, by allowing an extension of the time of payment of "all bonds given prior to the fire." This section, in my view, is imperfect, in not providing for a similar indulgence in regard to the payment of cash duties; but still, so far as it goes, I am disposed to advocate it upon the ground of public policy, and to regard the measure it proposes as at least an act of wise liberality. To judge of the expediency of this measure, all the peculiar circumstances of the case deserve to be considered.

The fire at New York has been justly represented as a most desolating calamity, unprecedented upon this continent, and with only one or two parallels in the history of the world. This is a just, but, for our purpose, too general a description. It becomes us to consider it in its necessary consequences as a commercial embarrassment, and, by inquiring into the nature and extent of these consequences, to satisfy ourselves how far it has affected the debtors of the Government, who constitute a large portion of the merchants of the city of New York.

What is the city of New York, and who are its merchants? The city of New York is, far more distinctly than any other city, the commercial emporium of the United States. The advantages which it derives from its central position, and from its unrivalled facilities of communication with every section of the country and every quarter of the globe, have made it the grand depot of imports and exports, the principal resort of merchants and traders, and a scene of unparalleled enterprise, industry, and improvement. To use an expression which can hardly be considered as far-fetched here, it is the seat of the commercial congress of the western hemisphere, in which every State of the Union, and all foreign nations, are more or less numerously represented by resident agents, and where negotiations are yearly effected, of sufficient magnitude to constitute a leading item of the business of the world. I speak of the city of New York as a commercial emporium; and, regarding it as such, who can behold its situation, or trace its rise, or contemplate its destiny, without emotions of admiration, astonishment, and pride? It is already called the London of America; and it has ceased to be extravagant to suppose that the time may come when this appellation will insufficiently represent, if not the number of its inhabitants, at least the extent of its commerce and the magnitude of its resources.

And who are the merchants of New York? They are, as I have said, resident agents from every foreign nation, and each State of the Union can number among them the choicest specimens of one of the best classes of its population. So intimately are they connected with every State, that perhaps there is scarcely a gentleman upon this floor who would not recognise among them some of his personal acquaintances, and constant or occasional correspondents, or, at least, many of whose constituents could not fail thus to recognise them. Known, therefore, as they are, personally or by their general reputation, I must presume that the gentleman from Kentucky [Mr. Hardin] does them unintentional injustice, when he alludes to them in terms which, if not conveying a direct reproach, are adapted to excite an unfounded prejudice. But, whatever may be his object, he cannot succeed in combating the public sentiment of the country. The merchants of New York have an established character for intelligence, enterprise, and probity, which, while it has been the brightest ornament of their prosperity, will prove to them the guarantee of universal sympathy and confidence in the season of their adversity. They occupy the front rank of the merchants of the country; and throughout the country they are respected, honored, and will be sustained,

as eminent contributors to the national welfare, as indispensable agents in the accumulation and diffusion of the national wealth, and as worthy representatives of the national character in the wide extent of their commercial relations.

The merchants of New York are and always have been the principal debtors of the Government, or its principal agents in the collection of its revenue. At the custom-house in that city, and from the hands of its merchants, there have already been collected between two and three hundred millions of dollars for the use of the country; more than one half of the imposts regularly accrue there; and upon the ability and integrity of the merchants of New York, therefore, the Government must mainly depend for its available resources. The facts which are upon the records of the Treasury Department attest that, while the Government has always been a strict, and sometimes an inexorable, creditor, it has sustained only the most inconsiderable loss from the insolvency or fraud of its debtors in New York. Hitherto, they have rarely as individuals, and never collectively, urged claims to its indulgence, but have promptly and scrupulously fulfilled their engagements; occasionally, too, during periods of serious embarrassments. Even now, when overwhelmed with distress, they adhere strictly to their obligations, and not a bond, except by the voluntary permission of the collector, remains unpaid. Since the fire, the collector, in the use of a sound discretion, although in the exercise of an authority not strictly conferred by law, has permitted bonds to lie over, conformably to a suggestion of the Secretary of the Treasury that some seasonable measure of relief might be expected from Congress. The present bill is designed to satisfy that expectation.

Having said thus much in justice to the city of New York, to the character of its merchants, and to their relation to the Government, I will ask the attention of the committee to some of the circumstances of the case which have determined my own judgment in regard to the expediency of the provision contained in the second section.

The fire laid waste a section of the city occupied by the merchants as a place of business. When I visited the scene a few days after the sad event, I beheld an area of fifty acres covered with smoking ruins, and strewed with fragments of damaged goods partially rescued from the flames. I perceived at once that the immense mass of buildings which had been thus laid prostrate consisted almost entirely of warehouses, the occupants of which I recollected to have been chiefly importing merchants, commission houses, or grocers, such as were always the holders of heavy stocks of goods, the aggregate value of which must have usually exceeded the largest estimate of the loss which is supposed to have been sustained. I was told that the work of destruction had been so rapid that, in addition to the loss of buildings and goods, many of the merchants had not been able to save their books, notes, and papers. Now, Mr. Chairman, viewing this fire as a commercial embarrassment, I wish to remark that no ordinary estimate of the value of buildings and goods destroyed can convey a sufficient idea of the actual suffering which has been produced, nor even of the positive pecuniary loss which has been and is yet to be sustained. These sufferers are almost exclusively merchants, who were holding a large amount of property, enjoying an extensive credit, and engaged in profitable business. In consequence of this fire, not only is their property destroyed, but, to a greater or less extent, their credit must be impaired, and their business, for a time at least, is stopped. All their previous engagements, nevertheless, remain to be fulfilled. The fire, while it has destroyed their property, has left the debts which they owe untouched. While it has burned their books, it has not finally balanced them. Their notes and bonds will still be produced against them, although they have lost the record of their amount. They had used every precaution to guard against such a calamity. Their buildings were properly secured—some supposed to be fire proof. Whatever was the origin of the fire, none of them, at most with but one exception, are chargeable with carelessness; and they had insured their property for its full value. But the insurers were not insured! It is an incident of this case, which distinguishes it above all others in the aggravation of misfortune, that the first names inscribed upon the list of bankruptcies, attributable to the fire, were those of one half of the fire insurance companies, who, perhaps, will not be able to pay upon an average above fifty per cent. of the demands against them, and may be compelled by the state of their affairs to postpone the payment of this meager dividend to a period too late to afford seasonable relief.

Without going into further details, Mr. Chairman, I leave you to judge, from this strictly accurate description, of the actual condition of the merchants who were immediate sufferers by the fire. Estimate if you can the necessary effect of these combined causes of suffering: destruction of property, diminution of credit, suspension of business, overhanging debts, failure of insurance—follow them out in their remote consequences, and contingent results, and tell me what sum of money will sufficiently denote the real extent of the deplorable calamity? Set down the loss of buildings and goods at $25,000,000, and consider this as only the first item in the account. Estimate the value of the credit which such a capital in the hands of merchants in active business would usually command, and make that the second item. Calculate the accruing profits of the business in which all these merchants were engaged, and also determine what the privilege is worth to so many merchants of being well established in business; let this be the third item. Conjecture (for it can only be conjectural) the amount of the sacrifices of property which the pressure of debts, under such circumstances, and the suspension of demands against insurers, must occasion; and stop here: what is the aggregate? Could the figures be cast and the sum stated, I think it would be sufficient to convince the most incredulous that the immediate sufferers are entitled, at least, to the scanty indulgence which the first section of the bill provides for them. I think it would also be a convincing and alarming proof that such an overwhelming calamity cannot be confined to the immediate sufferers, but must, in its consequences, extend far beyond them. I think it would satisfy the gentleman from Kentucky that such an amount of loss may have given "a shock" to the business and credit of the whole city; and I am sure it must compel him, if he will undertake to estimate it, to carry his conceptions far beyond his ordinary standard of magnitude in money matters, and quite as much beyond the range of his previous acquaintance with the nature and extent of commercial transactions.

When the ravages of the fire had ceased, and the inhabitants began to recover from the bewildering sensations of terror and alarm which at the instant overcame them, how did they regard their general situation? They saw, as they were collected on the spot, that though only a section of the city had been destroyed, the whole community was doomed to suffer by the calamity; that, though the wound was local, the stroke of the destroyer had been aimed at the heart; that, though it was an easy matter to complete the list of immediate sufferers, it was difficult to know where to begin or where to end in enumerating the many and many others who could not escape uninjured. The merchants, more especially, instantly perceived that not one of their number was a

disinterested spectator of such a scene of ruin; but that, connected as they were by mutual interests, and bound together by reciprocal obligations, the consequences which would result from such a destruction of property, and a corresponding prostration of credit, and consequent suspension of business, must affect them all. The dense cloud of smoke, ascending from the spot to which the fire was confined, had overshadowed the whole city, intercepting for a time the bright beams of the returning sun; and these merchants felt that a heavier cloud of distrust and embarrassment, produced by the misfortunes of the immediate sufferers, was fast gathering over them all, threatening to blast the gilded prospect of the near future, and the precursor of events which might involve them all in temporary distress. They felt at once that it was their common duty to prepare for the worst. The impulse of sympathy with their neighbors was blended with the instinct of self-preservation. In the manifestation of mutual confidence, in the readiness of each to sustain every other, in that spirit of accommodation to circumstances which belongs to the mercantile character, they proceeded to provide for the emergency. To guard against the unavoidable scarcity of money, and the consequent difficulty of meeting such of their debts as were approaching maturity, they appealed to the banks to co-operate in all practicable measures of relief, and they imparted the force of public opinion to the obligation of creditors to grant indulgence to their debtors, by the extension of payments. They called upon the Bank of the United States to apply all the means within its disposal for their accommodation; they called upon the city government to create stock which might be made available capital; they invoked the State Government for its prompt and liberal interposition in various acts of legislation; and they appealed to the General Government to assume its just share of loss, to postpone the collection of its superfluous revenue, and to give such a direction to its finances that they might be rendered more contributory to their immediate benefit.

I am convinced, Mr. Chairman, that none who have made due inquiry into all the circumstances of their situation can suppose that the merchants of New York have acted with a greater degree of foresight or vigor than the occasion required. Fortunately for them the fire occurred at a season of the year which affords almost their only respite from the pressure of business, and they were enabled to avail themselves of a brief leisure to concert and attempt to execute their plans. The efforts which they have made are memorable proofs of manly fortitude and dauntless perseverance, which deserve, if they should not achieve, success. They illustrate a public character which is entitled to universal admiration. They indicate a determined purpose, which, if any thing can, will sustain them in their most unequal struggle with adversity, and enable them to start forward with redoubled energy upon a prosperous career.

The crisis of their fate is still impending. The extent of the calamity is not yet developed in its results, and a period is approaching which must put to the severest test their ability to support themselves. Independently of their own fruitful sources of embarrassment, the signs of the times indicate a fearful tendency of events to aggravate and multiply the dangers of their situation. What is the state of things in the country at large? Greatly brightened, I delight to acknowledge, by the cheering intelligence which we have this day received, but still sufficiently perplexed to deserve anxious consideration. A year of unexampled prosperity has closed, and another year has commenced, of which they who survive its termination may be obliged to render a different account. A year has commenced fraught with results which must leave a durable impression upon the political and financial condition of the country. Never were men of business more unprepared for sudden reverses and severe pressure, and yet never, perhaps, has there been more signal occasion to apprehend both. The overtrading of the past year, the rage for wild speculation, the abused spirit of enterprise, have led, as it would seem, to almost every conceivable misapplication of capital, in whatever form it exists, and to an extension of the system of credit to so dangerous an extreme that it is difficult to imagine any mode of rescue from the evils which it must produce. The present state of the money market affords some indication of what may yet be expected; and let any member, who has the means of forming a correct judgment, turn his attention to the general situation, at the present moment, of men of business, and of the many who, in the use of the most unheard-of expedients, and under the impulse of the maddest passion for adventure, have forced their projects and extended their transactions so vastly beyond the views and purposes of men of business, properly so called; let him endeavor to form some idea of the unprecedented financial demands of the coming year, of the engagements to be met, the contracts to be fulfilled, the notes and bonds to be paid; let him consider the strained condition of the State banks, and the necessary effects of the approaching dissolution of the Bank of the United States, unless, indeed, they are to be obviated by a modified resuscitation of that important institution; let him anticipate the various vicissitudes which usually precede and follow a diminution of the value of the leading staples of the country and a general depreciation of real and personal property; let him notice the consequences already experienced at New Orleans of a suspension of the trade with Mexico; let him bear in mind the contingencies to which all branches of our foreign trade are constantly liable; and then let him judge of the influence—the combined influence, as it may prove—of all these causes of commercial embarrassment upon the straitened condition of the merchants of New York. Let him then decide whether the circumstances are not, or may not be, such as to justify this Government in extending to its debtors, and all its debtors, in that distressed city, the same measure of indulgence which, amongst themselves, no creditor is sufficiently regardless of his honor or his interest deliberately to refuse. Let him decide whether, when all their other applications for assistance have been freely granted, their resort to the General Government shall be coldly, and sternly, and harshly repulsed. Let him consider whether, when the stroke which has fallen so heavily upon that city is universally regarded as a national calamity, and when all that can be done for her relief must be alike regarded as a national benefit, he will assume the responsibility of deciding that this Government may safely, and wisely, and honorably, postpone the claims of its debtors, and refuse to listen to the united and urgent appeals of so many of its citizens.

I have already noticed some of the objections that have been urged against this bill: there are others which may be supposed to deserve consideration. The gentleman from Kentucky, [Mr. Hardin,] with his characteristic promptness, commenced an attack upon the bill before, as it proved, he had become acquainted with its provisions; and, in the use of his accustomed weapons of sarcasm and invective, endeavored to array against it the untimely influence of sectional and political prejudice. In glancing at his objections, let me respectfully suggest to him, that, if it be the misfortune of these debtors, it surely is not their fault, that the city in which they reside has become the principal depository of the public revenue; and that the Government does not make the most profitable use of its funds which are there collected. If it be their misfortune, it surely is not their fault, that the State of which they are citizens possesses, under the constitution,

a vast share of political influence; and that this influence, here and elsewhere, has been, and is likely to be, applied to purposes which that gentleman does not approve. Upon this occasion, he ought to remember that the claim presented for his consideration is one totally disconnected with political or sectional considerations—the simple, naked, and (as I had hoped all would regard it) indisputable, irresistible claim of the sufferers by an unprecedented calamity, who claim no other service at his hands but such as is due to the circumstances to which this calamity has reduced them. He ought to remember that, if so large a proportion of the revenue is, and must continue to be, collected and deposited in the city of New York, it is of great importance to the interests of the Government to prevent the occurrence of general embarrassment and distress; one consequence of which will be, to endanger the security of the present deposites, and greatly to enhance the risk of bad debts, in respect to the bonds which remain unpaid. He ought to remember that, upon the prosperity of New York, the accruing resources of the Government are immediately dependent; and that, whatever the Government may now do for the temporary accommodation of the merchants of that city will be more than repaid to the national Treasury by the future results of their persevering and successful enterprise. The gentleman also owes it to himself, to his constituents, and to the country, not to forget that all sectional interests are merged in the welfare of the great commercial metropolis of the Union. He should not forget that such are the indissoluble relations of New York to all parts of the country, that they must share in its prosperity and misfortunes. He should not forget that, directly or indirectly, the planters, manufacturers, and traders of Kentucky have always something at stake in New York; and that he fails to consult their interests, and must be presumed to oppose their wishes, when, in a time of the greatest need, he refuses to extend the helping hand of the Government for the relief of those with whom, by all the ties of mutual dependence, his constituents and the people of the whole country are thus intimately connected. I am sure, sir, that I do not give to this consideration an undue importance. I am sure that neither the gentleman from Kentucky, nor any other gentleman who will allow himself to exercise a practical judgment upon this view of the subject, will disagree to the conclusion that the business of New York is, in effect, the business of the whole country; and that a sudden interruption and extensive derangement of the business of that city will prove a check to the prosperity of the whole country.

The gentleman from Rhode Island [Mr. PEARCE] has tasked his ingenuity to produce popular objections to the object of this bill, and has perhaps been more successful than the gentleman from Kentucky in exciting the prejudices of some members against it. He has proved, I think, that the title of the bill is not sufficiently definite, but has erred in supposing that the object which he consideres to be implied in the title is, or ought to be, recognised in our legislation. The provisions of the bill are designed to extend the indulgence of the Government to those who are its debtors in the city of New York, and exclusively to such as are its debtors. It proposes to afford them the same indulgence which other creditors, under similar circumstances—which other creditors in New York, at this moment—have extended to their debtors. If it were proposed, if it were expedient, to attempt to relieve all sufferers by the fire, without reference to the peculiar relation which some of them sustain to the Government, the gentleman would do right to vindicate the claims of such as are not now provided for; and, if the bill were designed to be merely an act of charity, he might properly argue that the merchants of New York are the last who should receive, as he must well know they are the last who would accept, the bounty of the Government. But when the gentleman perceives that the single object of the bill (which I agree ought to be expressed in its title) is to make an equitable provision for the debtors of the Government, as such, he can hardly consider it a justifiable mode of defeating this object, to attempt to asperse, not their character, but their occupation, and to inveigh, not at all against the equity of their claims, in reference to the grounds upon which alone the claims are urged, but in a strain—I will not say of vulgar abuse—but of unmerited censure, against the necessary incidents of the rank in society to which the circumstances of these debtors have entitled them. I have no doubt that the recent fire has furnished many cases of such as are not debtors of the Government, whose claims to sympathy and relief are quite as strong as the gentleman represents them; and I hope and believe that those claims will be cheerfully recognised by all to whom they can be properly addressed. It may be fortunate for such sufferers that the Government is not one of the creditors to whom they must now appeal for indulgence, but that they have only to resort to their neighbors, the merchants, for the ready acquiescence of the facilities they need. Yes, sir, to the abused and denounced merchants, upon whom the tradesmen and mechanics, so warmly and deservedly eulogized by the gentleman, are immediately dependent for credit and employment, and in whose stability (to which the proposed relief may prove essential) the only hopes of these tradesmen and mechanics are directly and deeply involved. Let me advise the gentleman, then, to consider whether he can do a greater injury to the very class of whose interests he aspires to be regarded as the especial advocate, than by acting himself, and endeavoring to persuade the committee to act, upon the supposition that their interests can be otherwise than injuriously affected by whatever is calculated to excite distrust, and to produce ill will, and to direct the force of the most illiberal prejudice against their only patrons and their best friends. Let him consider, further, whether, at this critical moment, when the working classes of New York have their all at stake upon the ability of the merchants to recover from the disaster which threatens to overwhelm them, he will not prove himself the true friend of the working classes, by advocating, upon this occasion, in reference to their proper object, the claims of the merchants.

The gentleman from Rhode Island makes it another cause of complaint against the bill, that it not only provides for the relief of those who are almost exclusively merchants, but that some of them, also, do not happen to be American citizens. My answer to this objection is, very briefly, that they are, nevertheless, debtors of the Government, and, as such, entitled to share, without discrimination, in whatever policy the Government may see fit to adopt towards its debtors. It is the honorable characteristic of our commercial system, that it offers every facility for the introduction of foreign capital; that it invites to our ports the ships and the merchants of all nations, (who do not refuse to reciprocate the privilege,) and that, in the distribution of burdens and benefits, it makes no distinction whatever between citizens and foreigners. New York has been built up by the aid of foreign capital and enterprise; the revenue which has been there collected has been always contributed, in a considerable measure, by foreigners or their agents; and since, as the gentleman represents, the recent calamity has fallen so heavily upon the French and other foreign houses established in the city, the statement of that fact affords a sufficient reason for extending to them whatever benefit they may gain, as debtors of the Government, from the general operation of the bill.

The gentleman from Rhode Island has made an elaborate investigation of precedents, and has shown, very conclusively, that they do not exhibit a uniform practice of the Government; but that, deciding every case upon its own merits, and with more or less consideration, Congress has sometimes granted and sometimes refused applications somewhat similar to this. From the number of such precedents, and from the fact that previous decisions have been thus contradictory, I can readily infer that there is an inherent defect in the existing laws, which, as I believe, and have stated, can only be remedied by the introduction of the warehousing system, under which such cases could not occur; but, as the precedents do not establish a general rule, and as the present case is marked by circumstances in many respects unprecedented, I do not see any thing that should deter us from the exercise of an independent judgment in deciding it.

The gentleman from Rhode Island grounds another objection upon the fact that the relief afforded by this bill is so inconsiderable that it cannot be desirable. It is indeed fortunate for the merchants and for the Government that the fire did not occur a few years sooner, when almost all imported goods were subject to duty, and in many instances a very heavy duty, and when of course the average amount of bonds remaining unpaid must have vastly exceeded the sum which is now payable. If the amount of duties upon goods destroyed by the fire, instead of being, as it is, less than a million of dollars, had not been less than five millions, and if the amount of duties upon other goods, payable at the moment, instead of being between three and four millions, had not been less than fifteen or twenty millions, I agree that the magnitude of the claims of the public debtors would have been such that the Government must have yielded to the necessity, the uncontrollable necessity, of the most liberal and extraordinary measure of relief. Still, the duty of the Government is not to be strictly measured by the magnitude of the claims; and, if it were, I can deduce no other conclusion from the gentleman's premises than that, under the existing circumstances of this case, we ought to do far more than the bill proposes—a conclusion, to say the least, manifestly incompatible with the gentleman's avowed determination to do nothing.

The relief afforded by the bill, I am free to admit, does not correspond to the exigency of the case. I hope that still more may be done; especially that another bill for the remission of duties upon goods burned may be reported and passed, and that the Secretary of the Treasury may give such a direction to the public funds already collected and constantly accruing at New York, as to make them available for the greater accommodation of the mercantile community, from whom these funds have been derived. An enlightened policy seems to me to justify and require such an administration of the finances at the present moment; and its results, I am well persuaded, must be extensively and permanently beneficial. I say, then, let all this be done, and let this bill be passed, in the first instance, as a measure of simple justice and manifest expediency, and as an earnest of the disposition of Congress to sanction the other measures which should succeed it. Let this bill, at least, be judged and decided upon its own merits; and, if there remains no other objection to it than that it does not afford sufficient relief, let that objection be removed, as has been just suggested, by further legislation, and by the arrangements of the Treasury Department.

The gentleman from Rhode Island does not exaggerate the influence and importance of the city of New York. That city sustains a relation to the Government and the country which gives her a right at all times to claim from both the most favorable consideration. At the present moment her call upon the Government, specially warranted by the circumstances of her situation, is enforced by numerous and simultaneous demonstrations of the approbation of the country.

It is not the call of New York alone. Philadelphia has seconded the call with a spirit worthy of the name she bears. Baltimore has instructed her representatives to sustain her honor by supporting any practicable measures of relief. Boston, speaking for Massachusetts, has invoked the members from that State to a like generous co-operation. The memorial of New Orleans is the spontaneous and emphatic utterance of the voice of the West. It is not the call of New York alone; but every where, along the coast and throughout the interior, wherever there has been an expression of public sympathy, it is coupled with an earnest appeal to Congress. Let us answer the appeal by an act that shall be worthy of the constituted guardians of the national interests and the national honor.

When Mr. P. had concluded, on motion of Mr. GRAVES, the committee rose, and the Speaker having resumed the chair,

Mr. CAMBRELENG moved that the said bill be made the special order for to-morrow at 1 o'clock; which was agreed to.

The House then adjourned.

WEDNESDAY, FEBRUARY 17.

REMOVAL OF CREEK INDIANS.

Mr. GLASCOCK asked the consent of the House to submit the following resolution, which was read for information:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of adopting measures for the immediate removal of the Creek Indians to the allotted territory in treaty of the 24th of March, 1832.

Mr. GLASCOCK said, in offering the resolution, he was influenced from circumstances and events which had recently transpired between a portion of the citizens of Georgia and the Creek Indians; and, although there had been a partial adjustment of the difficulties between the commanding officer in that quarter (General McDugald) and some of the principal chiefs, yet he felt assured there were many turbulent and disaffected Indians of the nation who could not be controlled, and would continue to commit their depredations on our citizens, and keep them in a continued state of alarm and excitement. Mr. G. said he had just been apprized, too, that the Executive of the State had found it necssary to organize a battalion of volunteers, for the immediate defence and protection of our citizens in that quarter, the great expense of which might well be conceived; but it is due to that section of the State that it should be done, and he was gratified to find such a measure had been promptly accepted. But, Mr. G. said, he felt satisfied permanent peace and security would never be given to our frontier citizens, until there was a final removal of the whole nation to their allotted territory under the treaty of 1824, and it was with this view he offered the resolution suggesting the inquiry, and felt assured that some measure might be adopted by the present Congress to give satisfaction to our justly excited and exasperated fellow-citizens, and enable them again to pursue, in peace and tranquillity, their usual avocations; he therefore hoped the House would vote for the adoption of the resolution, that some immediate action might be had on the subject.

The SPEAKER reminded the gentleman that the resolution was not before the House, and that the consent of the House to its reception must be first obtained before it could be debated.

Objection being made, Mr. GLASCOCK moved a

suspension of the rule, in order to enable him to submit his proposition; which was negatived.

SUSPENSION OF THE RULES.

Mr. R. M. JOHNSON moved to suspend the rules, for the purpose of considering the bill providing for the payment of the volunteers and military corps in the service of the United States; which was negatived.

Mr. JOHNSON subsequently moved to suspend the rules in order to enable him to submit a motion, making the foregoing bill the special order for one hour to-morrow morning, after the reception of reports from committees.

Mr. ASHLEY moved to amend the motion, so as to include the bill authorizing the President of the United States to accept the service of volunteers; which was negatived.

The motion to suspend the rules was agreed to: Ayes 112, noes 38.

Mr. JOHNSON then submitted the motion indicated; which was carried.

Mr. MANN, of New York, moved to suspend the rules until one o clock, for the purpose of receiving petitions, excepting petitions for the abolition of slavery in the District of Columbia; which was negatived.

CAPTAIN NATHAN HALE.

Mr. JUDSON, from the select committee on that subject, moved to take up the joint resolution in relation to the monument proposed to be erected to the memory of Captain Nathan Hale, for the purpose of reading it a second time by its title, and committing it; which was agreed to.

The resolution was then read a second time; when Mr. JUDSON moved that it be committed to a Committee of the Whole on the state of Union.

Mr. VINTON moved to commit the resolution to a Committee of the Whole House. He deprecated the practice of sending ordinary matters to the Committee on the state of the Union. He was not opposed to the present resolution, but had made the motion to refer it to a Committee of the Whole House, in order, if possible, to arrest the improper practice to which he had referred.

Mr. JUDSON adverted to the patriotic character of the resolution, and urged the propriety of the motion which he had submitted. He regretted that the gentleman from Ohio [Mr. VINTON] should have selected this resolution as the occasion upon which to oppose what that gentleman considered an improper practice which had obtained in reference to the mode of proceeding upon measures before the House.

Mr. EVANS coincided in the remarks of the gentleman from Ohio. In the present instance, he contended that it was incompetent for the gentleman from Connecticut [Mr. JUDSON] to submit this motion, under the authority of the select committee raised on the subject referred to. That committee had reported. Their functions had therefore ceased.

The hour devoted to morning business having expired, the Chair announced the special order, being the bill for the relief of the

SUFFERERS BY FIRE IN NEW YORK.

On motion of Mr. CAMBRELENG, the House then resolved itself into a Committee on the Whole on the state of the Union, and took up the said bill.

The question pending was the motion of Mr. HARDIN to strike out the first proviso in the first section, which is in the following words:

"*Provided*, That those who are within the provisions of this section, but who may have paid their bonds subsequent to the late fire, shall also be entitled to the benefit of this section, and that the said bonds shall be renewed from the day when the same were paid, and said payments refunded."

Mr. GRAVES, who was entitled to the floor, addressed the Chair to the following effect:

From the latitude allowed those who have preceded me in this debate, I hope it will not be considered out of order in me to speak to the merits of the whole bill. I have entertained the opinion, since the first introduction of this bill, that we could not, in accordance with sound policy and correct principles of legislation, grant the relief proposed by it to the unfortunate victims of this most unprecedented calamity; much less extend the operations of the bill, as proposed in the second section, to all such merchants as are not included in the first, and who, though they had suffered no loss by the late fire, were indebted to the Government for duties at the port of New York, by bonds that fell due prior thereto.

Laboring under the influence of that almost universal sympathy which was pervading the community for the objects of this affliction, I have felt a strong and sincere desire, if I could consistently with my convictions of duty, to give my support to this bill; yet, although I have given a most patient and impartial hearing to all that has been said in support of it, my opinions remain unchanged. The honorable member from Massachusetts, [Mr. PHILLIPS,] who last addressed the committee, in a very elaborate, able, and truly eloquent speech, has occupied all the grounds, in my humble conception, that can be urged in support of this measure, and that, too, in a manner most peculiarly felicitous. The first section of the bill provides: "That the collector of the port of New York be, and he is hereby, authorized, as he may deem best calculated to secure the interests of the United States, to cause to be extended (with the assent of the sureties thereon) to all persons who have suffered loss of property by the late conflagration at that place, the time of payment of all bonds heretofore given by them for duties, to periods not exceeding three, four, and five years, in equal instalments, from and after the day of payment specified in the bonds; or to allow the said bonds to be cancelled, upon giving to the said collector new bonds, with one or more sureties, to the satisfaction of the said collector, for the sums of the former bonds, respectively, payable in equal instalments, in three, four, and five years, from and after the day of payment specified in the bonds to be taken up or cancelled, as aforesaid; and the said collector is hereby authorized and directed to give up or cancel all such bonds upon the receipt of others described in this act; which last-mentioned bonds shall be proceeded with in all respects like other bonds which are taken by collectors for duties due to the United States: *Provided*, That those who are designed to be relieved by this section, and who may have paid their bonds subsequent to the late fire, shall also be entitled to the benefit of this section, and that the said bonds shall be renewed from the day when the same were paid."

The second section provides "that the collector of the port of New York is hereby authorized and directed to extend the payment, in the manner prescribed in the first section of this act, of all other bonds given for duties at the port of New York prior to the late fire, and not provided for in the first section aforesaid, for six, nine, and twelve months, from and after the day of payment specified in the bonds: *Provided, however*, That nothing contained in this act shall extend to bonds which had fallen due before the seventeenth of December last."

I, Mr. Chairman, gave my undivided and most special attention to each and every position taken by that honorable gentleman in the progress of his argument, and propose, as briefly as the nature of the case will admit, to review such of them as bear upon the real merits of this question. Before, however, I proceed to a con-

sideration of the arguments of that gentleman, allow me to remark that we have been required to act upon this subject rather in the dark; that we have had no official information as to the extent of the relief asked. We have to rely on the verbal information of the friends of this measure, who, I suppose, have it from those who are asking relief, and who, it is to be presumed, would feel no interest in magnifying the amount upon which they ask indulgence without interest, and who, because of their interest, would be held in all legal tribunals as incompetent witnesses. Taking, then, the account of the friends of the bill as correct, the first section of it embraces bonds for about $700,000, and the second section about $3,000,000. Predicating my calculation upon this information, I find interest on those bonds, at the rate of six per cent. per annum, renewable annually from the time they respectively fall due up to the period to which it is proposed to extend the credits, amounts to something upwards of $318,740; an amount greater than is required to pay the two hundred and forty three members of this House for one hundred and sixty days, and sufficiently large, especially when taken into consideration in connexion with the importance of the principle involved, to induce this House to examine well into the subject, and weigh well the probable effect and consequence of such a precedent upon the future legislation of this House.

We, Mr. Chairman, I am fully apprized, are most delicately and peculiarly situated in reference to this as well as all other claims that come before us; we occupy the attitudes both of party and judge; and, whilst we should be careful not to let self-interest bias us on the one side, we should not be less careful to see that we are not driven into error on the other hand from too great an apprehension of doing injustice to the applicants. But, sir, let us now proceed to consider, in detail, the arguments of the friends of this measure. The honorable member from Massachusetts, as has been remarked, having covered all the grounds taken in support of this bill, I will confine myself particularly to his remarks.

The first ground taken by him is, that the Government has such an amount of surplus revenue now in its Treasury, that it would have no use for the money if the bonds were collected, and that it would be suffered to lie in the deposite banks without interest. Is it true, Mr. Chairman, that this Government has no use for money at this time? Is it true that the different States in this Union have already done for themselves all that can be done, in the way of promoting the interest and happiness of their citizens, and that they are now reclining at their ease in consequence of having nothing to do calculated to advance the public good? I humbly conceive not. Look abroad in the land, and what do we see? Within the last year or two, the public spirit of our fellow-citizens seems to have received a new impulse in almost every quarter of this vast republic. A new era seems to be bursting on us. The people are aroused to their own best interest. We see the different States, situated on the different extremes of this vast Union, contemplating and moving in the work of connecting themselves with each other by inland communication that literally conquers space. We see the Legislatures of the different States providing for works of internal improvement upon a scale that is truly worthy of a free people. They are not contracting loans of thousands and tens of thousands for the accomplishment of this, that, or the other, little local improvement, but of tens of millions, for objects embracing the improvement of the whole extent of their territory. Never, in the history of this Government, was there such a spirit of enterprise abroad. Never was there a time when there was such a demand for money on the part of the different States, for their respective improvements, as the present; and are we to be told we have no use for the money in the public Treasury?

I readily agree that it is better that these importing merchants, who are engaged actively in enterprising commerce that adds to the wealth of the nation, should hold this money, which belongs in common to them and the rest of their fellow-citizens, without interest, than that the deposite banks, in whose vaults it is to be placed, should be allowed to fatten and grow rich on the interest paid them by the people, for the most gracious privilege of using their own money. But I am not willing to stake the fate of this bill on this issue. It is not the true issue. I, for one, sir, intend to legislate upon this and every other subject calculated to affect our finances, with just as strict an eye to economy as though I knew this Congress intended to obey the voice of the people in their demand for an equal distribution of the surplus revenue among the States. I am not yet prepared to anticipate a failure of this most important measure.

Government is a moral person, possessing, in reference to its property, all the natural, moral, and legal rights of a private individual; every citizen constitutes a component part thereof, and his right in every thing that belongs to the Government, whether it be in the public lands or bonds upon importers, or in whatever the right of property can exist, though small in point of size, yet bears the same proportion to the entire thing which one bears to the number of citizens in this Government, and is just as perfect and unquestionable as though the right to the entire thing was vested in him; and the same policy which is observed in the fiscal concerns of a wise, prudent, humane, and just private individual, should control and regulate the financial operations of every Government, where the interest and happiness of the great mass of the people are the paramount considerations. Hence, we should adopt the same process of analysis, the same rules of investigation, in arriving at the relative rights of the Government, and such of its citizens as are embraced by the provisions of this bill, as though it were a matter between two individuals.

His second ground is, that it is the interest of the Government, acting as a prudent creditor, to extend the proposed credit, in order the better to secure the collection of her debts. The Government holds the bonds of its citizens for duties; and when they fall due it has a right to expect payment, without some sufficient cause against it. The merchant, in the present instance, says to his Government, you hold my bond, due on such a day, for such an amount, for duties; from an unexpected misfortune, I am in some degree crippled in my commercial operations, and it will be your interest to indulge me for four years after my bonds become due, without interest, in order that your debt may be the better secured. Ought not the Government to act as any other prudent creditor, and say to its debtor, you must give me some evidence, in addition to your own suggestion, that it is my interest thus to act? Would not any prudent private creditor require other proof than the statement of his debtor, before he would thus prolong for four years the time of the payment of his debt, and that, too, without interest? Being, then, altogether without proof that it is its interest to extend this credit, I think the Government on this account alone ought not to do it.

I will conclude my remarks upon this branch of the subject by asking whether it is supposed, by any friend of this bill, that one of those importers would agree to extend a credit of four years, without interest, for the price of a quantity of goods purchased of him in New York by a merchant from Louisville or Cincinnati, and lost by the purchaser in descending the river, or by fire

INDEX TO THE DEBATES IN THE SENATE.

Abolition of slavery; (see *Slavery.*)
Adjournment, resolution for fixing the day of, taken up, 962; adopted, 981.
day of adjournment fixed for the 4th of July, 1780.
Alabama; a bill for the better organization of the district court of that State, 13.
pre-emption rights; a report on the memorial of the Legislature of that State, 721.
and Mississippi five per cent. fund; a bill to carry into effect the compacts of, 1458; passed.
resolution authorizing the President to cause rations to be issued to supply sufferers from Indian hostilities, 1537; laid on the table, 1593.
Alexandria; memorial on the financial condition of that town, 46.
Appropriation bill for the civil and diplomatic expenses of the Government for the year 1836; read twice, and referred, 1249; taken up, 1399; passed.
Appropriations for the navy for 1836, 1278; taken up, 1296; passed.
Appropriations for the army for 1836, 1413; read three times, and passed.
Indian department, 1458; passed, 1739.
to carry into effect certain Indian treaties, 1928; passed.
Arkansas, a message from the President, with the proceedings of a convention in that Territory, to form a constitution, 782.
a bill to provide for the admission of Arkansas into the Union, 934; passed, 1056.
do. in addition to the above act, 1577; passed.
Army of the United States, resolutions respecting, 386.
do. for the religious instruction of, 391.
bill to increase the military peace establishment, 1657; rejected, 1757; passed, 1854.
Armories, arsenals, &c.; a bill to establish them, 1882; passed.
Bayard, the Hon. Richard, from Delaware, took his seat in the place of Mr. Naudain, resigned, 1848.
Bennett, Caleb P., the memorial of citizens of Delaware, praying for his pension to be continued to his widow, 1642.
Bond and Douglass, Colonels, a bill for the relief of the legal representatives of their widows, 1230; passed, 1254.
Bourtoulin Count a resolution authorizing the purchase of his library; rejected, 1694.
Brahan, John; report of the Secretary of the Treasury, in answer to a resolution on the subject of money paid by the legal representatives of the late General Brahan, to the United States district attorney, 1898.
Bullion for the mint; a bill to supply the mint with bullion, 1090.
Carey & Lea's History of Congress; a joint resolution proposing a subscription for it, 614; referred.
Catlett, Charles J., a bill for his relief; passed, 1872.
Chaplain, Rev. Mr. Higbee elected, 42.
Choctaw lands; a resolution proposing to suspend the sales of these lands, 1412.
reservations; (see *Pre-emption claims.*)
treaty; a bill for adjustingc ertain claims under the 14th article of the treaty of Dancing Rabbit creek, 1936; laid on the table.
Colonization Society; a petition from citizens of Kentucky, recommending the society to the favorable notice of Congress, 1901.
Columbia, District of, a bill for the relief of the several cities, 466, 964; taken up, 1449; passed, 1453.
Documentary History of; a resolution authorizing the Secretary of the Senate to collect and publish such a work, 498; referred.
resolution to authorize the commissioner to rent out the public grounds, &c., 1154.
Committees, standing; the Senate proceeded to their election by ballot, 11.
Congress; a resolution proposing that the Judiciary Committee inquire into the expediency of fixing, by law, the commencement and close of every session of Congress, 42; agreed to, 45.
a bill to appoint a day for the annual meeting of Congress, 1649; passed.
above bill returned, vetoed by the President, as conflicting with the constitution, 1757.
the subject taken up, 1859, 1878; bill rejected.
a bill to fix a day for the annual meeting of Congress, 1880; indefinitely postponed, 1908.
Constitution; a resolution to amend it, so as to provide for a distribution of the surplus revenue, 52.
Constitutional currency; a bill to re-establish the currency of the constitution, 1745.
Cumberland road; a report from the Secretary of War, on the construction of the road in Indiana and Illinois, 34.
a bill to continue the road as proposed, 390; taken up, 615; passed, 811.
a bill making an appropriation for do., 4633.
Custom-house officers, a report from the Treasury Department concerning, 34.
Dade, Major, petition in favor of, referred, 613.
Dauphin, Pennsylvania, memorial; (see *Free negroes.*)
Defence of the frontiers; a bill reported to accept the services of volunteers, 1385.
Delaware breakwater; a bill making additional appropriations for it, 1928; passed.
Deposite banks; a motion to print extra copies of the Secretary of the Treasury's statement of their affairs, 839; agreed to, 847.
District banks; a joint resolution in relation to them, 63.
a bill to extend the charters of, 1577; passed, 1720.
Duties on imports; a bill to repeal the duty on certain articles, 704.
wines; a bill to suspend so much of the discriminating act as relates to the Portuguese islands, &c., 1123.
imports; a bill to amend the several acts imposing duties on imports, 1287.
Electioneering agents; a resolution calling on the Secretary of War for information as to the office held by B. F. Curry, in the Cherokee nation, 178.
Executive patronage; (see *Officers.*)
Expunging resolution; notice given that it would shortly be called up, 722; taken up, 877; again, 1593; laid on the table, 1598.
Florida post roads; a joint resolution authorizing the establishment of certain post roads, 613.
railroad; a bill to authorize it to run through the public lands, 664; passed.

Florida war, a bill making further appropriations for, 1299; passed.
banks; a resolution instructing the Judiciary Committee to inquire into the character and condition of the banking institutions, 1447.
a bill prohibiting the incorporating of banks in Florida, without the sanction of Congress, &c. also, resolution on the subject; both passed, 1863.
Foreign relations; a letter of Mr. Clay, chairman of the committee on this subject, to the Secretary of State, with his reply, laid on the table, and ordered to be printed, 464.
Foreign paupers; a resolution in relation to foreign paupers, 1378.
Fortification on Lake Champlain; a resolution proposing the survey of a site for the work, 614.
Fortification bill taken up, 592, 1428; passed, 1592.
from the House, reported with amendments, 1877; passed.
France and the United States; (see *United States.*)
Free negroes; a memorial from Dauphin county, Pennsylvania, praying for an appropriation to remove such to Africa, 442.
French affairs; sundry resolutions proposed and adopted, calling on the President for information in relation to them, 366.
French and Neapolitan indemnities; a bill to anticipate their payment, 1881; negatived, 1882.
Frigate Philadelphia, a bill to reward the recaptors of, 1647; passed.
Globe newspaper, Mr. Webster's complaints against, 1693.
Grant, Joseph; a bill to extend his patent right for making hat bodies, 1864; passed, 1910.
Haight, Stephen, re-elected assistant doorkeeper, 8.
Hale, Captain Nathan; a memorial from the citizens of New Haven, praying that a monument may be erected to his memory, 323.
Harbor bill, for the improvement of certain harbors, &c., 1383; taken up, 1930; passed, 1935.
Hemp, a resolution proposing a duty on all imported, 1397.
Hill, Hon. Isaac, the resignation of his seat, 1616.
Hospitals on the Ohio river; a memorial of the General Assembly of Indiana on this subject, 56.
Hull, Commodore Isaac; a bill for his relief, 58.
Incendiary publications; a proposition for referring the subject to a select committee, 26; agreed to, 33.
report of the committee, accompanied by a bill to prevent the circulation of such publications, 383; bill taken up, 1093.
a bill prohibiting postmasters from transmitting incendiary publications, 1374; taken up, 1675; rejected, 1737.
Indian claims, speculations in; a memorial from Mississippi, 100.
hostilities; a bill for suppressing them, 103; passed, 291.
appropriations; a bill making appropriations for the expenses of the Indian department; (see *Appropriations.*)
Insolvent debtors, a report from the Treasury Department concerning, 34.
Journals, a resolution to inquire into the expediency of providing proper measures for the safe keeping of, 970; laid on the table, 977.
Judiciary; a bill supplementary to the act to amend the judicial system of the United States, 59; passed, 65.
Kane, Hon. Elias K., from Illinois, his death announced, 7.
Land, a bill to grant gratuities of, to certain States; laid on the table, 1876.
Lands; a bill to provide for the adjustment of the claims to lands therein mentioned, 11.
Lands; to appropriate, for a limited time, the proceeds of land sales, 48; motion to take it up, 810; consideration resumed, 1172; ordered to be engrossed, 1313.
the committee on, moved to be discharged from certain petitions for rights of pre-emption, &c., 303.
two bills on the subject of pre-emption rights, 836.
a bill to reduce and graduate the price of public lands, 1028.
resolution authorizing the payment of the expenses incurred by the committee of last Congress, in their investigation of certain frauds, 1199.
a bill to change the mode of conducting the sales of the public lands, 1697; postponed indefinitely, 1870.
Land Office; a bill to reorganize the General Land Office, 1676.
Lake Champlain; resolution directing the Secretary of War to cause a survey to be made for a fortification, 1199.
Library of Count Bourtoulin; a resolution directing the Library Committee to inquire into the expediency of purchasing it, 578; agreed to.
Lieber, Professor; his memorial in relation to his statistical work, 1198.
Light-houses; a bill making appropriations for them, 1930.
Louisville and Portland canal, a bill to authorize the United States to purchase the private stock of, 1563.
Lowrie, Walter, Esq., re-elected Clerk of the Senate, 8.
McCartney, John; a bill for his relief, 934; passed.
Madison, James, his death announced, by a message from the President, 1911; resolutions of respect to his memory, 1914.
Mail contracts; resolution instructing the Post Office Committee to inquire into the expediency of authorizing contracts to be made with railroad companies, 847.
Maine boundary; resolutions of the Legislature of Massachusetts, in relation thereto, 958.
Maine resolutions, on the subject of abolition, 1109.
Manning, the Hon. Richard J., his death announced, 1384.
Marine corps, a bill to regulate and increase the pay of its officers, 1877.
Marshall, Humphrey; an unfavorable report of the Committee on Pensions was moved to be reconsidered, 1780; reconsidered, 1854; and the report of the committee concurred in.
Massachusetts claims, a joint resolution respecting, 464.
Meade, Richard W., a bill for the settlement of the claim of his executrix; passed, 1872.
Melville, David; a petition complaining of his removal from office, 1177.
Metropolis Bank; a memorial for a recharter thereof, 58.
Mexico; a bill to carry into effect the treaty with that Power, 1427; passed.
Michigan applies for admission as a State, in a message from the President, 5.
credentials from its Senators presented, 6; question considered, 8, 36; agreed to, 41.
memorial asking to be admitted into the Union presented, 282; referred to the committee on the Michigan matters, 290.
bill for the admission of Michigan into the Union, 1006; passed.
school lands; a bill supplementary to the bill to establish the northern boundary of Ohio, and for the admission of Michigan into the Union, 1737; passed.

Michigan Senators; resolution for paying them agreed to, 1780.
a bill to provide for the execution of the laws of the United States in Michigan, 1876; passed.
Military land warrants, a bill to extend the time for issuing scrip for, 970.
Mint; (see *Bullion.*)
Missouri land claims, a memorial respecting, 799.
a bill confirming the claims of, 964; passed.
a bill granting a certain quantity of land to, for internal improvements, 1120; laid on the table, 1123.
Narragansett bay, resolutions of Legislature of Rhode Island respecting, 1787.
resolution directing the Commissioners of the Navy Board to report a plan for a navy establishment in do., 1793; agreed to.
National defence; resolutions offered by Mr. Benton, 392; agreed to, 577.
Naval service; a bill for the enlistment of boys, 1413; passed.
Naval academy; a bill to establish one, 1453.
Navy; (see *Appropriation.*)
a bill for organizing the navy, 1855; laid on the table, 1857; taken up, 1872; ordered to be engrossed, 1875.
Naudain, Hon. Arnold, from Delaware, resigns his seat, 1787.
New Hampshire resolutions in favor of the expunging resolution, 1108.
New Orleans custom-house; presentments of its dilapidated state, 534.
New York; a resolution instructing the Committee of Finance to inquire what measures should be adopted by Congress in relation to the late fire there, 13.
memorials on same subject, 46, 391.
a bill for the relief of the sufferers by the fire, 103; considered, 114; passed, 129; an amendatory bill from the House of Representatives; passed, 1092.
a bill to extend the relief of the act now in existence to the sufferers, 1875; passed.
Northeast boundary of the United States; a message from the President on the subject, 1779; correspondence on the subject ordered to be printed, 1864.
Ohio; report from Secretary of War respecting the boundary line of that State, 6.
a bill to define the northern boundary line of, 14; report on do., 663.
a joint resolution respecting do., 35.
resolutions in favor of expunging the journal, 1021.
Officers; a bill to repeal the first and second sections of the act limiting the terms of certain officers therein named, 52; passed, 367.
Order, questions of, 74, 141, 209, 414, 494, 556, 835, 1525, 1782.
Page, Hon. John, from New Hampshire, took his seat, in the place of Mr. Hill, resigned, 1759.
Paper currency; a resolution directing the Secretary of the Treasury to inquire of the deposite banks in relation to the circulation of small notes, 1857.
Patent laws; a resolution referring the subject of amending them, 42; agreed to.
Office; a bill to provide for the erection of a building for it, 1853; considered and passed, 1898.
Patriotic Bank, a memorial from, for a recharter, 34.
Paymasters; a bill to authorize the appointment of three additional ones, 1463.
Pension bill, which grants half pay to the widows and orphans of those who die in the service of the United States, 1929.
Post Office accounts; a communication from the Postmaster General, 1048.
the bill changing the organization of the Post Office Department, 1769.
Post routes; a joint resolution for the establishment of certain post routes in Missouri and Arkansas, 578.
Pre-emption claims, a bill to extend the time for receiving the proof of, 1696; laid on the table, 1698; rejected, 1742.
President's annual message received, 4; (see *Appendix.*)
message in relation to French affairs, 163.
on the mediation of Great Britain in relation to our difference with France, 390.
concerning sale of lands in the vicinity of Fort Wayne, 471.
with the result of the mediation of Great Britain, 580.
respecting French spoliations, 662.
on discriminating duties with Portugal, 679,
in relation to Mexico, 1409.
informing Congress that France had paid the four instalments, in fulfilment of the treaty, 1426.
with a communication from B. F. Curry, and the response of Samuel Gwin, 1658.
returning the bill appointing a day for the annual meeting of Congress, with constitutional objections, 1757.
enclosing a report from the Secretary of State, in relation to Texas, 1871.
President *pro tem.*, Mr. King, from Alabama, appointed, 1914; his address on the occasion.
Printing; a report of the committee on the contingent fund, to whom had been referred a resolution on the subject, 590.
Protection of the frontiers; (see *Defence.*)
Public deposites; a bill to regulate them, 52; taken up, 1383; modified, 1577; passed, 1845.
a supplementary bill, 1913; passed.
Railroad contracts; a report from the Post Office Committee, 1101; subject considered, 1199.
Revenue laws, a bill concerning cases of appeals arising under, 46.
a resolution proposing a reduction of the revenue, 52.
a resolution directing the surplus revenue to be set apart for the general defence of the country, 4625.
Rescinding resolution, offered in place of the expunging resolution, 1427; taken up, 1884; negatived, 1897.
Ripley, General; a bill to audit and settle his accounts, 1676; referred to the Committee on Pensions.
Royall, Mrs. Ann; report of the Committee of Claims, unfavorable to her petition, was laid on the table, 1936.
School lands; a bill to authorize the relinquishment of the 16th section of public lands, and to substitute other lands, 389; passed.
Secretary of State's communication, enclosing a correspondence on French affairs, 168.
Senators, a list of, 1.
Senate chamber; a report in relation to alterations in the Senate chamber, 3.
Shackford, John, re-elected Sergeant-at-arms, 8.
Sheppard, Moses, a bill for the relief of, 580; rejected.
Sick and disabled seamen; a motion was made to reconsider a bill in addition to an act for providing for this description of persons, 1758; which was agreed to, and the bill was amended and passed.
Slavery in the District of Columbia; petitions on the subject, 72; subject discussed, 185, 471, 636, 664, 1199.
Arkansas; petitions against admitting the State

into the Union except on certain conditions, 1134, 1277.
Smith, Hon. Nathan, from Connecticut; his death announced, 4.
Smithsonian institution; the President communicates certain papers relative to this institution, 13.
a joint resolution authorizing the President to appoint an agent, &c., 63; taken up, 385.
a bill for the same purpose, 1374; passed, 1378.
Spain; (see *Treaty.*)
Specie payments; a bill for the payment of revolutionary and other pensioners of the United States, 999.
resolution proposing that nothing but gold and silver ought to be received in payment of public lands, 1254.
Statuary; resolution in relation to statues for the east front of the Capitol, 1313; agreed to, 1318.
Stockton and Stokes, a bill for relief of, 1448; passed.
Surplus revenue, bank stock, and national defence; sundry resolutions, 106.
Suspension of the rules; a suspension of the 17th rule proposed by the House of Representatives; and, after amendment, agreed to, 1937.
Texas; proceedings of a meeting at Cincinnati, in favor of acknowledging the independence of Texas, 1286.
several memorials praying Congress to acknowledge the independence of the country, 1414, 1455.
proceedings of a meeting in Warren county, Mississippi, 1525.
a memorial from Shelby county, Kentucky, praying for its recognition, 1759.
resolutions of Legislature of Connecticut, on the same subject, 1759.
report of the Committee on Foreign Relations, concluding with a resolution in favor of acknowledging its independence, &c., 1846; taken up, 1915; resolution unanimously adopted, 1928.
report from the Secretary of State on the subject, 1871.
proceedings of a meeting of citizens at Nashville, 1877.
Tobacco trade; a resolution requesting the President to open a negotiation with France on the subject, 1381.
Transfer drafts; a resolution calling on the Secretary of the Treasury for information on this subject, 1209; agreed to, 1213.
proposition for printing an extra number of copies of the Secretary of the Treasury's report on the subject, 1409; agreed to, 1412.
Transfers of public money; a resolution on the subject, 1464; agreed to, 1479.
Treasury, Secretary of, his annual report, 4; (see *Appendix.*)
Treaty with Spain; a bill giving effect to the 8th article of the treaty of 1819, 1154; taken up, 1426; and passed.
a proposition for appointing a board of commissioners, 1647; modified by appointing one instead of three commissioners, 1694.
Turnpike from Zanesville to Maysville, memorials in favor of, 1153.
Tyler, Hon. John; his resignation, 636.
United States and France; resolutions calling on the President for information on the difficulties existing between the two countries, 104.
Vermont; a memorial praying for the abolition of slavery in the District of Columbia, 300.
militia; a bill to provide payment for their services, 1339; passed.
Wabash, a bill to improve the navigation of, 563; ordered to a third reading, 565.
Western boatmen; a memorial on the subject of a marine hospital, 748.
Western frontier, the bill for the better defence of, 1930; passed.
Wetmore, Alphonso, petition of; the Committee of Claims discharged from its further consideration, from the disrespectful terms in which it is expressed, 1457.
Wildman, Hon. Zalmon, of the House of Representatives; his death announced, 7.
Wisconsin, bill to establish a Territorial Government in, 978; passed, 1124; a conference with the House of Representatives on an amendment, 1177; the Senate receded from its disagreement to the amendment.
bill to create the office of surveyor of public lands in the Territory, 1913; passed.
Yeas and nays, on a resolution to supply the Senators with newspapers, 54.
the judiciary bill, 63, 65.
regulations of the Senate chamber, 71, 72.
bill for limiting the terms of office, 104, 367.
for the relief of sufferers by the New York fire, 129.
on reference of the Michigan memorial, 289.
resolution for admitting certain persons into the Senate, 532.
resolutions in relation to national defence, 572.
bill for relief of Moses Sheppard, 580.
Cumberland road bill, 722, 724, 725, 802, 803.
referring the proceedings of a convention in Arkansas, 782.
Ohio boundary, 785, 799.
slavery in the District of Columbia, 787, 804, 810.
land bill, 810, 811, 333.
bill for relief of the corporations of the District of Columbia, 964, 977, 1452.
resolution for the safe keeping of the journal, 977.
adjournment resolution, 981.
bill for graduating the price of public lands, 1032.
bill for the admission of Michigan, 1046, 1047, 1048, 1050.
bill for the admission of Arkansas, 1056.
bill for payment of revolutionary pensioners, 1094.
granting land to Missouri, 1123,
establishing the Territory of Wisconsin, 1177.
relief of the representatives of Colonels Bond and Douglass, 1254.
Mr. Clay's land bill, 1254, 1301, 1302, 1305, 1306, 1308, 1313, 1396.
navy appropriation bill, 1299, 1427.
Smithsonian legacy bill, 1378.
harbor bill, 1383, 1384.
fortification bill, 1524, 1550, 1576, 1592.
the bill to reward the recaptors of the frigate Philadelphia, 1649.
cases of B. F. Curry and S. Gwin, 1668.
the bill to prohibit the circulation of incendiary publications, 1675, 1737.
extending the charters of the District banks, 1695, 1720.
bill for extending the time for receiving proof of certain pre-emption claims, 1696, 1697, 1698, 1742.
the bill supplementary to the bill to establish the northern boundary of Ohio, and for the admission of Michigan into the Union, 1739.
proposition for increasing the army, 1757.
bill to regulate the deposite of the public moneys, 1766, 1768, 1778, 1780, 1782, 1784, 1785, 1786, 1787, 1845.

Yeas and nays, on the bill to change the organization of the Post Office Department, 1851.
bill to increase the military peace establishment, 1853.
report on the petition of Humphrey Marshall, 1854.
bill for organizing the navy, 1857, 1875.
bill for building a Patent Office, 1866.
bill to change the mode of conducting the sales of the public lands, 1867, 1870.
bill to grant gratuities of land to certain States, 1876.
bill to regulate and increase the pay of the officers of the marine corps, 1877.
on the vetoed bill fixing a day for the annual meeting of Congress, &c., 1880.
Yeas and nays, on the bill to anticipate the payment of the indemnities due under the French and Neapolitan treaties, 1882.
on the bill for establishing armories, arsenals, &c., 1884, 1909.
rescinding resolution, 1897.
providing for the building of a Patent Office, 1898.
fortification bill, 1905, 1906, 1907, 1910, 1911.
bill granting a patent to Joseph Grant, 1910.
on the pension bill, 1929.
on the Delaware breakwater bill, 1930.
harbor bill, 1935.
Zanesville and Maysville road, a petition in favor of, 1385.

INDEX TO THE NAMES

OF THE SPEAKERS IN THE DEBATES IN THE SENATE, ALPHABETICALLY ARRANGED.

Benton, Mr., Missouri, presents the credentials of the Michigan Senators, 6, 8, 9, 36, 38, 39, 41.
on the recharter of the Patriotic Bank, 34.
Alexandria memorial, 46.
recharter of the Bank of the Metropolis, 59.
judicial system, 64.
regulations in the Senate chamber, 69, 71.
slavery in the District of Columbia, 85, 496.
surplus revenue, national defence, &c., 106, 140.
suppression of Indian hostilities, 291.
national defence, 427, 577.
District of Columbia, 468.
Documentary History of District of Columbia, 499.
report on printing, 591.
fortification bill, 593, 615, 1428, 1431, 1432, 1512, 1530, 1551, 1576, 1579, 1582.
Cumberland road bill, 723, 801, 802.
Western boatmen, &c., 750, 751.
Ohio boundary, 784.
deposite banks, 840.
expunging resolution, 722, 877, 1593.
day of adjournment, 963, 979.
safe keeping of the journal, 974.
specie payments, 999, 1005, 1094, 1095, 1097.
bill for the admission of Michigan, 1006, 1008, 1019, 1033.
bill for the admission of Arkansas, 1053.
supplying the mint with bullion, 1090.
grant of land to Missouri, 1120, 1121.
incendiary publications, 1155.
appropriating the proceeds of public lands for a limited time, 1172, 1187, 1247, 1254, 1299, 1302, 1306, 1308, 1311, 1338.
railroad contracts, 1207.
resolution for receiving nothing but gold and silver for public lands, 1255, 1267.
defence of the frontiers, 1385, 1388, 1393.
general appropriation bill, 1399, 1400, 1401, 1402, 1403, 1407, 1408.
Louisville and Portland canal bill, 1570, 1572, 1673, 1674.
bill for increasing the military establishment, 1637.
the cases of Curry and Gwin, 1658, 1659, 1664.
extending the charters of the District banks, 1686, 1694, 1695, 1698.
bill for regulating the public deposites, 1744, 1764, 1765, 1766, 1767, 1768, 1805.
Benton, Mr., on bill for establishing the currency of the constitution, 1745.
bill increasing the army, 1746, 1756, 1852, 1853.
bill to establish armories, arsenals, &c., 1882.
on acknowledging the independence of Texas, 1920.
setting apart the surplus revenue for the defence of the country, 4625, 4631.
making an appropriation for the Cumberland road, 4638.
report on public lands, 4655, 4656.
Black, Mr., Mississippi, on the judicial system, 59, 64.
memorial on speculations in Indian claims, 100, 102.
Documentary History of District of Columbia, 499.
slavery in the District of Columbia, 636.
Cumberland road, 724, 725.
deposite banks, 847.
Missouri land claims, 967.
Mr. Clay's land bill, 1174, 1286.
general appropriation bill, 1401, 1402.
on suspending the sale of Choctaw lands, 1412.
District of Columbia, 1452.
regulating the public deposites, 1745, 1786.
Brown, Mr., North Carolina, on incendiary publications, 33.
slavery in the District of Columbia, 90, 95, 731.
national defence, 447.
Ohio boundary, 783, 784.
Maine abolition resolutions, 1110, 1113, 1115, 1116.
Mr. Clay's land bill, 1306.
affairs of Texas, 1420, 1531.
Buchanan, Mr., Pennsylvania, on incendiary publications, 28, 1722, 1732, 1736.
Michigan Senators, 41.
the judicial system, 59, 62, 64.
regulations in the Senate chamber, 70.
slavery in the District of Columbia, 82, 302, 496, 679, 780.
memorial of Caln quarterly meeting, 99.
bill to relieve the sufferers by fire at New York, 125, 129.
the United States and France, 168, 177.
resolution for national defence, 325.
memorial from Dauphin county, in relation to free negroes, 442.
national defence, 576.

Buchanan, Mr., on the Cumberland road, 635.
Ohio and Michigan boundary, 664.
admission of Arkansas as a State, 934.
day of adjournment, 963.
specie payments, 1004, 1005.
admission of Michigan, 1011, 1037.
admission of Arkansas, 1653.
railroad contracts, 1203.
bill for the relief of Colonels Bond and Douglass, 1253.
on slavery in Arkansas, 1277.
statuary for the east front of the Capitol, 1313, 1314, 1315.
Smithsonian legacy bill, 1377.
defence of the frontiers, 1394, 1505, 1508.
general appropriation bill, 1402.
the affairs of Texas, 1422, 1536, 1916.
fortification bill, 1432.
bill for the relief of Stockton and Stokes, 1448.
additional paymasters, 1463.
bill to regulate the public deposites, 1635, 1777, 1783, 1785, 1800, 1858.
bill for changing the organization of the Post Office Department, 1770, 1851.
bill supplementary to the act for admitting Michigan, 1781.
bill for organizing the navy, 1856, 1857, 1874, 1875.
bill to regulate and increase the pay of the officers of the marine corps, 1877.
bill making an appropriation for the Cumberland road, 4633.
Calhoun, Mr., South Carolina, on incendiary publications, 26, 27, 383, 385, 1108, 1136, 1160, 1162, 1675, 1721, 1729.
reduction of the revenue, 52, 54, 55.
regulations in the Senate chamber, 67, 68, 69, 70.
slavery in the District of Columbia, 72, 95, 201, 207, 208, 209, 210, 302, 471, 482, 494, 496, 551, 578, 579, 765, 804.
memorial of Caln quarterly meeting, 100.
bill for relief of the sufferers by the New York fire, 115, 127.
United States and France, 169.
Michigan memorial, 286, 287.
District of Columbia, 469, 470, 964, 1450.
national defence, 571, 572, 577.
establishing post routes in Missouri and Arkansas, 578.
deposite banks, 842, 843, 1383.
keeping safe the journal, 970.
graduating the price of public land, 1028.
specie payments, 1096, 1097, 1099.
bill to regulate public deposites, 1101, 1616, 1745, 1763, 1764, 1765, 1766, 1767, 1778, 1781, 1783, 1800, 1845, 1858.
railroad contracts, 1101, 1102, 1205.
Maine abolition resolutions, 1109, 1110, 1111, 1113, 1114, 1115.
grant of land to Missouri, 1123.
petition of David Melville, 1177, 1183, 1184.
petition of Professor Lieber, 1198.
bill for the relief of representatives of Colonels Bond and Douglass, 1253.
receiving specie only for public land, 1271, 1274.
statuary for the east front of the Capitol, 1314, 1318.
Smithsonian legacy bill, 1376, 1377.
harbor bill, 1383.
general appropriation bill, 1408.
fortification bill, 1446, 1550, 1551, 1579, 1903, 1905, 1910.
Indian bill, 1459, 1461.
Calhoun, Mr., on the defence of the frontiers, 1463, 1503, 1504, 1505, 1507, 1511.
his report from conference committee on the volunteer bill, 1523.
recognition of Texas, 1531, 1535.
the cases of Curry and Gwin, 1659, 1662, 1667.
on increasing the army, 1756, 1853.
bill to change the mode of selling the public lands, 1867.
establish armories, arsenals, &c., 1882, 1884.
acknowledging the independence of Texas, 1916.
Clay, Mr., Kentucky, on the admission of the Senators from Michigan, 8.
his distribution land bill, 48, 1172, 1174, 1176, 1248, 1283, 1285, 1288, 1303, 1310.
reduction of the revenue, 54, 55.
memorial of Caln quarterly meeting, 100.
speculations in Indian claims, 101.
the United States and France, 103, 588.
bill for the relief of the sufferers by the New York fire, 115, 126, 782.
for the suppression of Indian hostilities, 290.
incendiary publications, 385, 1093, 1728.
school lands, 390.
District of Columbia, 467.
fortification bill, 614, 1903, 1906, 1910.
Cumberland road, 615, 623, 628, 722, 724, 801, 803.
Western boatmen, &c., 748, 749.
slavery in the District of Columbia, 786.
deposite banks, 840.
Maine boundary, 962.
day of adjournment, 962, 981.
Missouri land claims, 965.
bill for graduating the price of public lands, 1028, 1030.
admission of Michigan, 1046, 1047.
specie payments, 1095, 1096.
grant of land to Missouri, 1121.
petitions against slavery in Arkansas, 1134, 1135.
petition of David Melville, 1178.
railroad contracts, 1206.
bill for the relief of representatives of Colonels Bond and Douglass, 1252, 1253.
statuary for the east front of the Capitol, 1317.
defence of the frontiers, 1387.
on imposing a duty on all imported hemp, 1397, 1398, 1399.
treaty with Spain, 1427, 1647.
Louisville and Portland canal, 1673.
Michigan school lands, &c., 1737, 1738.
pre-emption claims, 1741.
increasing the army, 1756, 1832.
bill providing for sick and disabled seamen, 1759.
memorial from Shelby county, praying for recognition of Texas, 1759.
for regulating the public deposites, 1784, 1845, 1859, 1870.
Northeastern boundary of the United States, 1779, 1864.
report on acknowledging the independence of Texas, 1846, 1871.
Post Office bill, 1851.
bill for building a Patent Office, 1866.
bill to change the mode of selling the public land, 1869.
petition from Kentucky, in favor of the American Colonization Society, 1901.
acknowledging the independence of Texas, 1915.
Clayton, Mr., Delaware, on the admission of the Senators from Michigan, 10.
fixing the commencement and close of the sessions, 45.

Clayton, Mr., on the judicial system, 59, 60, 61, 63, 64, 65.
regulations in the Senate chamber, 67, 68, 72.
surplus revenue, national defence, &c. 114.
Michigan memorial, 283, 286, 287.
national defence, 392.
Ohio and Michigan boundary line, 663, 664, 783, 784, 798.
mail contracts, 847.
safe keeping of the journal, 974.
bill for establishing the Territory of Wisconsin, 978.
day of adjournment, 979, 981.
specie payments, 999.
admission of Michigan, 1006, 1008.
Mr. Clay's land bill, 1283, 1284.
statuary for the east front of the Capitol, 1318.
Smithsonian legacy bill, 1376.
harbor bill, 1383.
defence of the frontiers, 1395.
bill for the relief of Stockton and Stokes, 1448.
District of Columbia, 1452.
bill for building a Patent Office, 1866.
establishing armories, arsenals, &c., 1883.
fortification bill, 1903, 1906.
setting apart the surplus revenue for the defence of the country, 4631, 4633.
Crittenden, Mr., Kentucky, on the resolution for national defence, 356.
Cumberland road, 635, 726.
slavery in the District of Columbia, 787.
day of adjournment, 979.
grant of land to Missouri, 1120.
petition of David Melville, 1187.
Mr. Clay's land bill, 1246.
fortification bill, 1551, 1586, 1910.
Louisville and Portland canal bill, 1571, 1673.
pre-emption claims, 1696.
the bill providing for sick and disabled seamen, 1758, 1759.
Humphrey Marshall's case, 1781, 1854.
increasing the army, 1852.
Cuthbert, Mr., Georgia, on the resolution for national defence, 163, 211.
United States and France, 177.
slavery in the District of Columbia, 726, 785, 787.
incendiary publications, 1162, 1735, 1737.
treaty with Mexico, 1427.
bill for organizing the navy, 1873, 1874.
fortification bill, 1906, 1911.
Davis, Mr., Massachusetts, on incendiary publications, 31, 384, 385, 1093, 1103, 1148, 1726.
reducing the revenue, 52.
bill for relief of sufferers by the New York fire, 123.
Michigan memorial, 284, 286.
Massachusetts claims, 464.
District of Columbia, 470.
national defence, 576.
Cumberland road, 636.
Western boatmen, &c., 748, 749, 751.
slavery in the District of Columbia, 806, 1199.
Maine boundary, 958.
specie payments, 1004.
admission of Michigan, 1019.
in relation to duties on wines, 1123.
railroad contracts, 1206.
duties on imports, 1287.
Smithsonian legacy bill, 1377.
foreign paupers, 1378.
fortification bill, 1552, 1563.
Louisville and Portland canal, 1672.
Davis, Mr., on the bill providing for sick and disabled seamen, 1758, 1759.
changing the organization of the Post Office Department, 1771, 1849, 1850, 1851.
the light-house bill, 1930.
harbor bill, 1930.
making an appropriation for the Cumberland road, 4639.
Ewing, Mr., Ohio, on the northern boundary line of Ohio, 14.
incendiary publications, 32.
Michigan Senators, 36, 38.
bill for relief of the sufferers by the New York fire, 120, 127.
resolution for national defence, 130.
Michigan memorial, 284.
public lands, 303, 1198.
national defence, 455, 556, 572.
slavery memorials, 472, 763.
Alabama pre-emption rights, 721.
Cumberland road bill, 724, 803.
Ohio boundary, 783, 799.
land bill, 810, 811.
deposite banks, 846.
Missouri land claims, 969, 970.
safe keeping of the journal, 976, 977.
admission of Michigan, 1015.
Ohio resolutions for expunging journal, 1024, 1028.
admission of Arkansas, 1056.
specie payments, 1096.
railroad contracts, 1101, 1102.
grant of land to Missouri, 1122.
petitions in favor of a turnpike from Zanesville to Maysville, 1153.
transfer drafts, 1209.
receiving specie only for public land, 1269.
Mr. Clay's land bill, 1302, 1312, 1338.
Zanesville and Maysville road, 1385.
defence of the frontiers, 1385.
general appropriation bill, 1400.
printing an extra number of copies of the Secretary of the Treasury's report respecting transfers of public money, 1409, 1412.
fortification bill, 1433.
transfer of public money, 1464, 1479.
Louisville and Portland canal bill, 1570, 1572, 1575, 1668, 1672, 1673.
bill to regulate the public deposites, 1642, 1764, 1765, 1777, 1778, 1859.
the cases of B. F. Curry and S. Gwin, 1659, 1660, 1666.
bill to reorganize the General Land Office, 1676.
pre-emption claims, 1696, 1739, 1740.
bill to change the mode of selling public lands, 1697, 1866, 1867, 1869.
Michigan school lands, &c., 1737, 1738.
Post Office bill, 1850.
fortification bill, 1905, 4640.
Ohio resolutions, 4653.
report on several memorials in relation to the public lands, 4655.
Goldsborough, Mr., Maryland, on incendiary publications, 31.
Michigan Senators, 41.
judicial system, 59.
resolution for national defence, 136.
slavery in the District of Columbia, 208, 704.
District of Columbia, 469.
removal of David Melville, 1183.
Vermont militia bill, 1340.
the bill vetoed by the President fixing a day for the annual meeting of Congress, &c., 1878.

Grundy, Mr., Tennessee, on incendiary publications, 27, 1093, 1155, 1159, 1160, 1161, 1163, 1675, 1727.
resolution for national defence, 250, 304.
post roads in Florida, 613.
slavery in the District of Columbia, 751.
mail contracts, 847.
specie payments, 999.
Post Office accounts, 1048, 1050.
railroad contracts, 1101, 1102, 1199, 1205, 1207.
removal of David Melville, 1179.
incendiary publications, 1374.
District of Columbia, 1450.
cases of Curry and Gwin, 1666.
Michigan school lands, &c., 1738.
bill for changing the organization of the Post Office Department, 1769, 1849, 1850, 1851.
Hendricks, Mr., Indiana, on admitting the Michigan Senators, 38, 40.
fixing the commencement and close of the sessions of Congress, 42.
on building hospitals on the Ohio river, 56.
bill for relief of the sufferers by the New York fire, 127.
Michigan memorial, 282, 284, 288.
Cumberland road, 390, 615, 629, 722, 723, 802.
navigation of the Wabash, 564.
day of adjournment, 963.
admission of Michigan, 1008, 1032.
harbor bill, 1383.
Louisville and Portland canal bill, 1563, 1669, 1672, 1674, 1675.
bill for regulating the public deposites, 1743, 1744, 1784.
bill providing for sick and disabled seamen, 1759.
bill to change the mode of selling the public lands, 1869.
Hill, Mr., New Hampshire, on slavery in the District of Columbia, 74, 484, 494.
resolution for national defence, 315.
navigation of the Wabash, 564.
the land bill, 848.
bill for the relief of the representatives of Colonels Bond and Douglass, 1250, 1253.
navy appropriation bill, 1278.
general appropriation bill, 1400, 1404.
expunging resolution, 1593.
Hubbard, Mr., New Hampshire, on resolution for national defence, 217.
slavery memorials, 495, 738, 756, 837.
resolutions in favor of expunging.
Mr. Clay's land bill, 1176.
removal of David Melville, 1182, 1184, 1185.
the Florida banks, 1447.
transfer of public money, 1464, 1471.
fortification bill, 1538, 1550, 1551.
bill to audit General Ripley's accounts, 1676.
bill to regulate the public deposites, 1784.
Kent, Mr., Maryland, on memorial praying for a recharter of the Bank of the Metropolis, 58.
on slavery in the District of Columbia, 757.
the tobacco trade, 1381.
extending the charters of the District banks, 1675, 1690.
King, Mr., Alabama, on the admission of Senators from Michigan, 11.
bill for the better organization of the district court of Alabama, 13.
incendiary publications, 26, 30, 384, 385.
recharter of the Patriotic Bank, 34.
judiciary system, 59, 60, 61.
memorial of Caln quarterly meeting, 100.
speculations in Indian claims, 102.
bill for relief of the sufferers by the New York fire, 128.
King, Mr., on slavery in the District of Columbia, 209, 579, 302, 714, 787, 836.
Michigan memorial, 282, 283.
school lands, 390.
national defence, 441.
District of Columbia, 470, 964, 1449, 1450, 1453.
Florida railroad, 704.
Alabama pre-emption rights, 721.
Cumberland road, 722, 723, 725.
Ohio boundary, 783.
Missouri land claims, 799, 800, 967, 969.
day of adjournment, 962, 963, 980.
bill for graduating price of public land, 1030.
specie payments, 1096.
grant of land to Missouri, 1120.
slavery in Arkansas, 1135.
bill giving effect to the 8th article of treaty with Spain, 1154.
petition of David Melville, 1178.
receiving specie only for public land, 1271.
affairs of Texas, 1286, 1529.
Vermont militia, 1339.
harbor bill, 1384.
general appropriation bill, 1401, 1408.
defence of the frontiers, 1458, 1463, 1464, 1503, 1505.
Indian bill, 1459.
resolution for issuing rations to sufferers from Indian hostilities, 1537.
cases of Curry and Gwin, 1660.
extending the charters of the District banks, 1692, 1720.
regulating the public deposites, 1763, 1859.
on changing the mode of selling the public land, 1868.
bill for establishing armories, arsenals, &c., 1883, 1884.
King, Mr., Georgia, on the bill for relief of sufferers by the New York fire, 121, 129.
incendiary publications, 384, 1124.
slavery memorials, 477, 652.
Documentary History of District of Columbia, 498, 499.
general appropriation bill, 1402, 1403, 1407.
fortification bill, 1578, 1580, 1584.
pre-emption claims, 1741.
bill for establishing armories, arsenals, &c., 1884, 1908.
harbor bill, 1931, 1935.
Knight, Mr., Rhode Island, on the Cumberland road, 722.
specie payments, 1096.
railroad contracts, 1102.
duties on wines, 1123.
removal of David Melville, 1182, 1183.
general appropriation bill, 1402.
recognition of Texas, 1055.
Grant's patent right, 1864.
Leigh, Mr., Virginia, on incendiary publications, 28, 31, 385.
the judiciary system, 60.
slavery in the District of Columbia, 93, 185, 303, 518, 532, 785, 786, 787, 803, 838.
the United States and France, 106.
surplus revenue, national defence, &c., 111.
bill for relief of the sufferers by the New York fire, 122.
Michigan memorial, 287.
Smithsonian legacy, 386, 1375.
national defence, 441, 442, 576.
District of Columbia, 469, 470, 1449, 1450.
Ohio boundary, 783.
expunging resolution, 1058.
defence of the frontiers, 1510.

Leigh, Mr., on public deposites bill, 1616, 1758, 1764, 1765.
setting apart the surplus revenue for the defence of the country, 4625.
Linn, Mr., Missouri, on resolution for national defence, 322.
incendiary publications, 385.
school lands, 390.
protection of the frontiers, 465.
establishing post routes in Missouri and Arkansas, 578.
the report on printing, 592.
Cumberland road bill, 724, 801.
Missouri land claims, 800, 964, 966, 967, 969.
day of adjournment, 963.
Maine abolition resolutions, 1111.
Mr. Clay's land bill, 1304, 1307, 1311.
defence of the frontiers, 1385, 1395.
general appropriation bill, 1401.
Alphonso Wetmore's petition, 1457.
Indian bill, 1459, 1461, 1462.
bill providing for sick and disabled seamen, 1759.
on Humphrey Marshall's case, 1780.
increasing the army, 1852, 1853.
bill for organizing the navy, 1855.
bill to change the mode of selling the public land, 1867.
for establishing armories, arsenals, &c., 1882, 1883.
McKean, Mr., Pennsylvania, on slavery in the District of Columbia, 804.
Mangum, Mr., North Carolina, on incendiary publications, 29.
regulations of the Senate chamber, 67.
bill for the relief of the sufferers by the New York fire, 122.
resolution for national defence, 367.
national defence, 575.
slavery in the District of Columbia, 578, 835, 836.
day of adjournment, 980.
Maine abolition resolutions, 1115.
railroad contracts, 1207.
receiving specie only for public land, 1273.
Mr. Clay's land bill, 1306.
statuary for the east front of the Capitol, 1314, 1315.
general appropriation bill, 1402, 1407.
recognition of Texas, 1455, 1530.
cases of Curry and Gwin, 1664.
suspension of the rules, 1937.
Moore, Mr., Alabama, on slavery in the District of Columbia, 210, 472,
the Cumberland road, 725.
bill for relief of John McCartney, 934.
the affairs of Texas, 1421.
General John Brahan's case, 1898, 1901.
Morris, Mr., Ohio, on the northern boundary of Ohio, 35, 783, 788, 799.
petitions on slavery, 72, 74, 208, 757.
Ohio resolutions in favor of expunging journal, 1021, 1025.
admission of Arkansas, 1054.
Maine abolition resolutions, 1111.
incendiary publications, 1165.
recognition of Texas, 1286, 1287, 1525, 1528.
Mr. Clay's land bill, 1338, 1339, 1340.
pre-emption claims, 1740.
bill to regulate the public deposites, 1782, 1785, 1858, 1859.
bill to change the mode of selling the public land, 1870.
the vetoed bill for fixing a day for the annual meeting of Congress, 1878.
Naudain, Mr., Delaware, on the Cumberland road, 726.
fortification bill, 1435.
Alphonso Wetmore's petition, 1457.
on behalf of the widow of C. P. Bennett, 1642.
Louisville and Portland canal, 1672.
Nicholas, Mr., Louisiana, on the Western frontier, 1425.
increasing the army, 1754, 1853.
Niles, Mr., Connecticut, on the judiciary system, 62.
bill for relief of sufferers by the New York fire, 124.
Michigan memorial, 284, 287.
memorial in favor of Captain Nathan Hale, 323.
District of Columbia, 468, 1451.
slavery in the District, 512, 533.
national defence, 560.
safe keeping of the journal, 973.
admission of Michigan, 1015.
specie payments, 1093, 1097.
on renting out the public grounds in the District of Columbia, 1155.
incendiary publications, 1156, 1157, 1159, 1163.
removal of David Melville, 1179.
resolution for receiving nothing but specie for public land, 1263, 1268.
Mr. Clay's land bill, 1284, 1318.
fortification bill, 1435, 1559.
Louisville and Portland canal, 1672.
resolutions of Legislature of Connecticut in favor of recognising Texas, 1759.
changing the organization of Post Office Department, 1769.
the vetoed bill for fixing a day for the annual meeting of Congress, 1880.
acknowledging the independence of Texas, 1916.
making an appropriation for the Cumberland road, 4635.
Porter, Mr., Louisiana, on incendiary publications, 29.
the judicial system, 59, 60, 61, 65.
regulations in the Senate chamber, 65, 66.
slavery in the District of Columbia, 74, 93, 578, 661, 781, 785.
resolution for national defence, 141.
Michigan memorial, 285.
public lands, 303, 1172, 1304.
District of Columbia, 468, 469.
custom-house at New Orleans, 534.
national defence, 576.
Cumberland road, 724, 801, 802.
Western boatmen, &c., 750.
expunging resolution, 935.
Missouri land claims, 967, 969, 970.
admission of Arkansas, 1056.
specie payments, 1095.
grant of land to Missouri, 1123.
receiving specie only for public land, 1274, 1286.
Mr. Clay's land bill, 1339.
defence of the frontiers, 1390.
affairs of Texas, 1417, 1418, 1420, 1453.
Indian bill, 1460, 1463.
cases of Curry and Gwin, 1661.
Louisville and Portland canal, 1672.
pre-emption claims, 1696.
bill for regulating the public deposites, 1743.
increasing the army, 1755, 1756.
changing the organization of the Post Office Department, 1769, 1770, 1850, 1851.
changing the mode of selling the public land, 1867.
bill for establishing armories, arsenals, &c., 1883.
report on public lands, 4655.
Prentiss, Mr., Vermont, on the patent laws, 42.
abolition of slavery in the District of Columbia, 664.

Prentiss, Mr., on admission of Michigan, 1019.
admission of Arkansas, 1054.
Vermont militia bill, 1340.
Preston, Mr., South Carolina, on incendiary publications, 27, 32.
bill concerning appeals in cases under the revenue laws, 46.
regulations in the Senate chamber, 65, 66, 68.
slavery in District of Columbia, 78, 781, 806, 837.
memorial of Caln quarterly meeting, 99.
surplus revenue, national defence, &c., 112.
bill for the relief of sufferers by the New York fire, 128.
Smithsonian legacy, 386, 1101, 1374, 1376, 1378.
protection of the frontiers, 465.
purchasing Count Bourtoulin's library, 578.
fortification bill, 614, 1434, 1503, 1551, 1576, 1910.
Maine abolition resolutions, 1112, 1119.
statuary for the east front of the Capitol, 1314, 1315, 1317.
announces the death of the Hon. R. J. Manning, 1384.
defence of the frontiers, 1386, 1392, 1426.
general appropriation bill, 1402, 1408.
affairs of Texas, 1414, 1416, 1417, 1526, 1871, 1872.
appointing additional paymasters, 1463.
increasing the army, 1754, 1755, 1756, 1853.
Post Office bill, 1850.
changing the mode of selling the public land, 1867.
harbor bill, 1930, 1935.
on setting apart the surplus revenue for the defence of the country, 4628.
Rives, Mr., Virginia, on slavery in the District of Columbia, 835, 838.
the expunging resolution, 981.
recognition of Texas, 1534, 1535.
fortification bill, 1588.
bill to regulate the public deposites, 1821.
address on the death of James Madison, 1911.
Robbins, Mr., Rhode Island, on national defence, 566.
Carey and Lea's History of Congress, 614.
general appropriation bill, 1413.
bill to reward the recaptors of the frigate Philadelphia, 1647.
resolutions respecting Narragansett bay, 1787.
Robinson, Mr., Illinois, announces the death of his colleague, Mr. Kane, 7.
on the navigation of the Wabash, 566.
Cumberland road, 624, 723, 724.
Mr. Clay's land bill, 1254, 1302, 1303.
bill for regulating the public deposites, 1743.
bill for changing the mode of selling the public land, 1869.
Ruggles, Mr., Maine, on the Michigan memorial, 287.
Maine abolition resolutions, 1109, 1110, 1119.
incendiary publications, 1156, 1159.
fortification bill, 1490.
Patent Office bill, 1853, 1866.
bill for organizing the navy, 1875.
Shepley, Mr., Maine, on regulations of the Senate chamber, 69.
District of Columbia, 468.
national defence, 572, 576.
safe keeping of the journal, 977.
receiving specie only for public land, 1272.
the affairs of Texas, 1424.
fortification bill, 1435.
cases of Curry and Gwin, 1662.
Northeastern boundary of the United States, 1779.
bill for organizing the navy, 1873.
Southard, Mr., New Jersey, on the District banks, 104.
resolution for national defence, 250.
District of Columbia, 467, 468.
Documentary History of District of Columbia, 498, 499.
report on printing, 591.
bill to relieve the sufferers by the New York fire, 782.
admission of Michigan, 1032.
Post Office accounts, 1049.
renting out the public grounds in the District of Columbia, 1155.
Mr. Clay's land bill, 1212, 1213.
navy appropriation bill, 1278, 1298, 1426.
Smithsonian legacy bill, 1376.
general appropriation bill, 1403, 1413.
bill for enlisting boys into the naval service, 1413.
fortification bill, 1429, 1910.
naval academy, 1453.
cases of Curry and Gwin, 1666.
bill for organizing the navy, 1855, 1857, 1872, 1873, 1874, 1875.
regulate and increase the pay of the officers of the marine corps, 1877.
on the vetoed bill for fixing a day for the annual meeting of Congress, 1880.
acknowledging the independence of Texas, 1918.
Swift, Mr., Vermont, on memorial praying the abolition of slavery in the District of Columbia, 300, 302, 303, 512, 737.
fortification on Lake Champlain, 614.
admission of Arkansas, 1053.
the Western frontier, 1426.
Tallmadge, Mr., New York, on the judicial system, 61.
regulations of the Senate chamber, 69.
slavery in the District of Columbia, 500.
specie payments, 999.
regulate the public deposites, 1778, 1822.
Tipton, Mr., Indiana, on admitting the Michigan Senators, 36.
the Michigan memorial, 282, 283, 285.
resolutions respecting the army, 386, 465, 466.
Cumberland road, 616, 723, 725.
admission of Michigan, 1008.
bill to regulate the public deposites, 1786.
Tomlinson, Mr., Connecticut, announces the death of his colleague, Mr. Smith, 4.
announces the death of Mr. Wildman, of the House of Representatives, 7.
Major Dade's claim, 613.
Humphrey Marshall's case, 1781.
on the pension bill, 1929.
Tyler, Mr., Virginia, on slavery in the District of Columbia, 89.
bill for relief of sufferers by the New York fire, 126.
bill for relief of the cities in the District of Columbia, 466, 467, 470.
his resignation, 636.
Wall, Mr., New Jersey, on national defence, 559.
slavery in the District of Columbia, 579.
Ohio boundary, 784.
removal of David Melville, 1185.
bill to regulate the public deposites, 1785.
fortification bill, 1905.
Walker, Mr., Mississippi, on slavery in the District of Columbia, 690, 809.
pre-emption rights, 838.
deposite banks, 847.
Missouri land claims, 966.
safe keeping of the journal, 975.
specie payments, 1099.
Maine abolition resolutions, 1116.

Walker, Mr., on grant of land to the State of Missouri, 1120, 1123.
Mr. Clay's land bill, 1172, 1173, 1175, 1282, 1283, 1285, 1302, 1303, 1361.
on fortifying Lake Champlain, 1199.
recognition of Texas, 1286, 1525, 1526, 1528, 1533.
Smithsonian legacy bill, 1377.
harbor bill, 1383.
imposing a duty on all imported hemp, 1397, 1399.
general appropriation bill, 1401.
affairs of Texas, 1417, 1420, 1456, 1763.
District of Columbia, 1449.
Alabama and Mississippi five per cent. fund, 1458.
Indian bill, 1462, 1463.
Louisville and Portland canal bill, 1570, 1672, 1673.
Florida banks, 1578.
fortification bill, 1583, 1587.
bill for regulating the public deposites, 1644.
pre-emption claims, 1696, 1739, 1741.
Michigan school lands, &c., 1738.
bill for regulating the public deposites, 1744, 1764, 1767, 1776, 1782, 1785, 1786.
changing the mode of selling the public land, 1867, 1868, 1870.
bill for organizing the navy, 1874.
the vetoed bill fixing a day for the annual meeting of Congress, 1880.
Webster, Mr., Massachusetts, on a resolution in relation to the late fire in New York, 13, 47, 103, 104, 121, 124.
fixing the commencement and close of the sessions, 44.
slavery in the District of Columbia, 95, 810, 833.
memorial of Caln quarterly meeting, 100.
Indian hostilities, 103, 290.
surplus revenue, national defence, &c., 111, 148, 322.
purchasing Count Bourtoulin's library, 578.
bill repealing certain duties on imports, 704.
deposite banks, 839.
mail contracts, 848.
petition of Professor Lieber, 1198.
railroad contracts, 1205, 1249.
resolution for receiving nothing but specie for public land, 1259, 1267, 1269.
appropriations for Florida war, 1299.
Mr. Clay's land bill, 1311.
general appropriation bill, 1400, 1401, 1407, 1409, 1413, 1414.
appropriations for the army, 1413.
the affairs of Texas, 1415, 1425, 1527.
District of Columbia, 1450, 1453.
Alphonso Wetmore's petition, 1458.
Indian bill, 1458, 1459.
transfer of public money, 1470.
defence of the frontiers, 1511.
Louisville and Portland canal bill, 1572.
fortification bill, 1575, 1591, 1877.
Webster, Mr., on bill to regulate the public deposites, 1649, 1745, 1758, 1767, 1776, 1778, 1783, 1785, 1743, 1805, 1858, 1859.
misstatements in the Globe newspaper, 1693.
incendiary publications, 1721, 1731, 1736.
on Michigan school lands, &c., 1739.
the Northeastern boundary of the United States, 1779.
the banks in Florida, 1848, 1859.
bill for organizing the navy, 1874.
supplementary deposite bill, 1913.
setting apart the surplus revenue for the defence of the country, 4625.
White, Mr., Tennessee, on speculations in Indian claims, 102.
the bill for the relief of sufferers by the New York fire, 128.
electioneering agents, 178
suppression of Indian hostilities, 291.
resolution for national defence, 291.
national defence, 422.
slavery in the District of Columbia, 697.
specie payments, 1094.
navy appropriation bill, 1278.
Mr. Clay's land bill, 1279, 1303, 1304, 1310.
rescinding resolution, 1427, 1884.
fortification bill, 1428, 1432.
Indian bill, 1459, 1460, 1462.
appropriations, 1720, 1739.
to regulate the public deposites, 1859.
proceedings of a meeting in favor of acknowledging Texas as an independent State, 1877.
the bill for distributing the proceeds of the public lands, 4641.
Wright, Mr., New York, on a memorial in behalf of sufferers by fire, 46, 114, 116, 391, 782.
on the judiciary system, 60, 61, 62.
slavery in the District of Columbia, 201.
District of Columbia, 470, 1451, 1453.
Documentary History of District of Columbia, 499.
national defence, 534.
deposite banks, 843, 1383.
specie payments, 999, 1093, 1134.
admission of Michigan, 1019.
bill to regulate the public deposites, 1101, 1598, 1644, 1693, 1742, 1758, 1764, 1765, 1769, 1775, 1778, 1781, 1784, 1793, 1845.
Mr. Clay's land bill, 1214, 1310.
general appropriation bill, 1401, 1414.
Indian bill, 1459.
transfer of public money, 1476.
fortification bill, 1479, 1904, 1910.
extending the charters of the District banks, 1692.
Michigan school lands, &c., 1738.
changing the organization of the Post Office Department, 1771.
the bill to anticipate the payment of the indemnities due under the French and Neapolitan treaties, 1882.

INDEX TO THE DEBATES IN THE HOUSE OF REPRESENTATIVES.

Abolition, a report on, from a select committee, 3756; concluding with three resolutions, which were agreed to, 4051 to 4054.
Adjournment, a joint resolution from the Senate, proposing to fix the day of, 3245, 3317, 4080, 4176, 4295; it was resolved to adjourn on the 4th of July.
African colonization; a memorial from Pennsylvania, praying for an appropriation for the purpose of removing free negroes to Africa, 2696.
Alabama; a joint resolution from the Senate, proposing to grant rations from the public stores to sufferers in Alabama, 4032; agreed to, 4050.

Alford and Brush; a resolution for their relief, 2694, 2747, 2881; a bill ordered for their relief, 2883.
Amendments to the constitution; the chairman of the committee to whom this subject had been referred reported certain resolutions proposing amendments, for which he proposed to move substitutes when they should be considered, 3015.
Amendment of the journal proposed, in relation to members refusing to vote, 4057; negatived, 4063.
Anti-slavery memorial from Vermont, 3233.
Appropriations in part for the support of the Government for the year 1836, 2172, 3240, 3246, 3268, 3316, 3318; passed, 3329.
in addition to the above act, 4607; passed, 4610.
for the navy, 2180; considered, 2504, 2668, 2780, 2801, 3151; passed, 3219.
for the Indian department; passed, 3367.
for the army, 3376; passed, 3469.
Arkansas; a bill for admitting this State into the Union, 2688; passed, 4294.
a supplementary bill, 4309; passed.
Arundel manuscripts; the President transmits a catalogue of them from the trustees of the British Museum, for the purpose of being placed in the Congress library, 3463.
Banks in the District of Columbia; petitions for the extension of their charters, 2103.
a bill to extend the charters of certain banks in the District, 2213; passed, 2238.
Bank of the United States; a bill to repeal the 14th section of the act of incorporation, 2918, 3235; passed, 3240.
Bank loans to members of Congress; a resolution proposing a committee to inquire into the subject, 4348; agreed to, 4349.
additional resolutions, 4605.
Books to members; resolution providing books for the new members, 3147, 4308, 4528; agreed to, 4529.
a resolution was offered, directing a subscription for three hundred copies of Elliot's Diplomatic Code; laid on the table, 4529.
a resolution for payment of certain books; negatived, 4623.
Breach of privilege, occasioned by some disturbance by two reporters, 4281; resolution adopted and a committee appointed, 4284; report of the committee, 4289; decision, 4322.
Chaplain, Rev. Mr. Stockton elected, 2083.
Chickasaw school lands; a bill to carry into effect, in the States of Alabama and Mississippi, the existing compacts within those States in regard to the five per cent. fund and the school reservations, 4612.
Choctaw Indians; a bill for the adjustment of certain claims to reservations of land, 3615.
Combes, Leslie; a bill for his relief, 4286; passed.
Commerce and navigation; a motion to print 10,000 extra copies of the Secretary of the Treasury's report to Congress; agreed to, 4067.
Compensation to messengers; resolution allowing extra pay; passed, 4623.
Congress; a bill from the Senate to change the time of meeting, 4136; passed, 4139.
a resolution instructing the Committee on Enrolled Bills to report a bill fixing the annual meeting of Congress on the first Monday in November; agreed to, 4533.
a bill was reported for the above object, ordered to be engrossed for a third reading, and then passed, 4538.
Constitutions of the several States; a proposition to print them, 4349; laid on the table.
Cotton; letter of the Secretary of the Treasury relating to the cultivation and manufacture of cotton, 2735; a motion for printing an extra number of copies agreed to.
Creek Indians; resolution on the expediency of adopting measures for their immediate removal, 2556.
Cumberland road; a bill amendatory of the act for continuing the road, 2596; rejected, 4350.
a bill from the Senate to continue the Cumberland road in the States of Ohio, Indiana, and Illinois, 4495; passed, 4547.
a bill for continuing the road east of the river Ohio was laid on the table, 4548.
the bill to continue the national road from Vandalia to the Mississippi river, in the State of Illinois, was passed, 4549; also, the bill to continue the same road from the Mississippi river to Jefferson city, in the State of Missouri, was passed, 4549.
Custom-house officers; the Committee on Commerce reported a joint resolution proposing to suspend the 3d section of the act making appropriations for the expenses of the Government for the year 1835, which provides that the number of custom-house officers on the 1st of January, 1834, shall not be increased until allowed by Congress, 3146; this resolution was put in the form of a bill, and afterwards passed.
Dancing Rabbit creek treaty, memorials respecting, 2466.
Dauphin county, Pennsylvania, memorial, asking an appropriation for removing colored persons to the coast of Africa, 2779.
Deposites of public money; a resolution offered by Mr. Peyton, proposing that the bill reported by the Committee of Ways and Means, to regulate the deposites of the public money in certain local banks, be made the special order of the day, and have preference over all other business, certain hours every day (except Fridays and Saturdays) until finally disposed of; the House refused to suspend the rules for this purpose, 3096; laid on the table, 4103.
Deposite banks; a resolution proposing to inquire into the mode of selecting them, &c., by Mr. Wise; refused to be considered, 3231.
a resolution by Mr. Dromgoole, agreed to be considered, 3244; taken up, 3249.
bill in relation to public deposites, 3723, 4339; passed, 4379.
supplemental deposite bill from the Senate; passed, 4612.
District business; days proposed to be set apart for the consideration thereof, 3015; laid on the table.
taken up, 3475, and sundry acts discussed and finally passed.
banks; a bill from the Senate to extend the charters of them, 4205, 4437; passed, 4560.
Doorkeepers; Overton Carr, principal doorkeeper, and John W. Hunter, assistant, 1964.
Documents, public; resolution to supply heads of Departments, &c., with them, 4667.
Duties, resolutions proposed for the reduction of, 4338, 4446; the House refused to suspend the rules to consider them.
Duty on wines; an act from the Senate to suspend the discriminating duties on goods imported in vessels of Portugal, and to reduce the duties on wines, 4610.
Election, contested; (see *Graham, James.*)
Eskridge and Fisk; a bill for their relief; passed, 2694.
Executive patronage; a bill to repeal the 1st and 2d sections of the act limiting the term of certain offices to four years, 2470; not passed.

Expurgation of the journals; resolutions of the Legislature of Maryland, protesting against the expurgation, offered, 3232; laid over, 3233.
Florida, a resolution for the relief of sufferers in, 2438; passed, 2447.
a bill to provide for payment of the expenses of the war, 3811; bill passed, 3820.
a resolution calling on the President to communicate all the measures which had been taken to suppress Indian hostilities in Florida, 3820; agreed to.
Fortifications; a bill for collecting materials preparatory to the commencement of certain fortifications, 2171.
Fortification bill of last session; a resolution proposing to refer so much of the President's message as relates to it to a select committee, 2264, 2360.
bill making appropriations for fortifications for the year 1836, 3594, 3735, 3863; passed, 4338.
France and the United States; a message from the President, 2218.
a message from the President, 2605.
awards under the treaty with, 2799.
message from the President, stating that payment of four instalments under our treaty with France had been received, 3594.
French affairs; a resolution calling on the President for information as to the amount of duties received on wines and silks, 2518; agreed to.
Graham, James, from North Carolina; his election contested, 1963, 2621, 2696, 2718; debate brought to a conclusion, 3007; resolved, that neither candidate is entitled to a seat; new election to take place.
Hale, Captain Nathan; a memorial praying that a monument be erected for his services in the revolutionary army, 2134; considered, 2557.
Harbor bill; a bill making additional appropriations for the Delaware breakwater, and for certain harbors, &c., 4380; passed, 4494.
a bill making additional appropriations for same objects, 4530; passed, 4611.
Havre de Grace; a memorial praying for a removal of the obstructions at or near the head of the bay, 2698.
Historical Society; the use of the hall granted to them for their meeting, 2387.
Incendiary publications; an inquiry of the Committee on the Post Office whether they would soon report on this subject, 2485.
the minority of the Committee on the Post Office express their readiness to report on this subject, 2944.
Indian affairs; (see *President's messages.*)
hostilities; a bill providing for volunteers for the protection of the frontiers, 3763; bill passed, 3820.
annuity bill, 3367; passed.
resolution to suspend the sale of a part of the public lands acquired by the treaty of Dancing Rabbit creek, 3461; passed.
treaties; a bill making appropriations to carry into effect certain Indian treaties, 4501, 4549; bill passed, 4567.
resolution calling on the President for the same information in relation to the Cherokee treaty lately ratified, which had been laid before the Senate, 4504; agreed to, 4528.
hostilities; a bill making appropriations for the suppression of Indian hostilities, and for other purposes, 4568; passed.
frauds and hostilities; resolution founded on a memorial of citizens of Alabama and Georgia, respecting alleged frauds in the purchase of reservations of lands from the Creek Indians, 4578; agreed to, 4605.
Inundated lands; a joint resolution reported, directing a survey of lands of this description on the Mississippi and other rivers, 3200.
Jackson city; a bill to incorporate the Jackson City Association in the District of Columbia, 3002; bill laid on the table, 3005.
Janis, Jean Baptiste; a bill for his relief, 4286; passed, 4289.
Judicial system; an act supplementary to the act to amend the judicial system, 4610.
Kane, Hon. Elias K., from Illinois; his death announced, 1958.
Kentucky Asylum for the Deaf and Dumb; a resolution directing the Judiciary Committee to inquire into the expediency of granting to the institution further time for the sale of its lands, 2736.
Lands; a bill to graduate the price of, 2133; laid on the table, 3496.
resolution in relation to frauds under the pre-emption laws, 2517; agreed to.
resolutions of the Legislature of Kentucky, for the distribution of the proceeds of the sales of public lands among the several States, 2892, 3231; postponed; taken up, 3231, 3580, 3820; laid on the table, 3862.
resolution instructing the Committee of Ways and Means to introduce a bill for the purpose of distributing the proceeds of the sale of public lands, 3201.
bill received from the Senate to appropriate, for a limited time, the proceeds of the sale of public lands among the several States, 3580, 3617, 3679, 3862, 4195, 4322.
Land Office; a bill to reorganize the General Land Office, 4606; passed, 4609.
Latham, James; a bill for the relief of his heirs, 2642, 2645.
Letcher, R. P., and T. P. Moore; a bill for their relief, 4191; ordered to be engrossed, 4194.
Lewis, Hon. Dixon H., a member from Alabama, took his seat, 2698.
Light-houses; a bill making appropriations for building light-houses, &c., 4494; bill passed, 4535.
Limitation of the term of office; a bill to repeal the first two sections of the act for limiting the term of office, 2634.
McCarroll, John; a bill for his relief, 4176.
McClelland and Smith; a bill for their relief, 4176; passed.
Madison, James, ex President of the United States; his death announced, by General Jackson, in a message to Congress, 4563.
a joint committee of the two Houses appointed to consider and report by what token of respect and affection it may be proper to express the sensibility of the nation on this event, 4565.
report on this subject, 4577.
Mail contracts; a joint resolution for altering the time of making mail contracts, 3495; agreed to.
Manning, the Hon. Richard J., from South Carolina; his death announced, 3463.
Marshall, late Chief Justice United States; resolution proposing a marble bust to his memory, to be placed in the chamber of the Supreme Court; agreed to, *nem. con.*, 2527.
Maryland resolutions; joint resolutions of the Legislature, recommending the distribution among the States of the proceeds of the public lands, 4177; ordered to be laid on the table and printed, 4186.

Members, list of, 1942.
Mexican affairs; resolutions calling on the President for information, 3733.
Michigan, the constitution of, 2077.
on its Representative taking his seat, 2102.
Mining Company, resolutions respecting, 2142.
memorial from the Legislature of Michigan, 2145.
Michigan and Arkansas; bills to provide for their admission as States, 4206; passed, 4294.
supplementary bills to do., 4309.
Militia; a resolution of the Legislature of New York, on the subject of a reorganization of the militia, 2767.
Military and other roads; a bill making appropriations for certain military and other roads, 4301; laid on the table, 4548.
Mint; a message from the President, enclosing the director's report, 2263.
Mississippi; a bill to continue the national road from the Mississippi river to Jefferson city, in Missouri, 4501; (see *Cumberland road.*)
Naval appropriations; (see *Appropriations.*)
Naval service bill; (see *Appropriations.*)
Navy; resolution instructing the Committee on Naval Affairs to inquire into the expediency of increasing the naval force in commission, 2160.
Newland, David; resolution proposing to allow him pay for contesting the election of Mr. Graham, 3015.
report in favor of paying David Newland, 3064; agreed to, 3090.
New York; (see *Sufferers by fire.*)
Trades Union, the memorial of, 2696.
Ohio and Michigan boundary; a report and resolution on the subject, 2667; agreed to, 2688.
a bill from the Senate to establish the northern boundary of the State of Ohio, and to provide for the admission of Michigan into the Union, 3317; passed, 4294.
do. to settle and establish the northern boundary of Ohio, 4309; passed, 4313.
Order, points of, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1974, 1977, 1987, 1991, 1996, 1998, 1999, 2017, 2128, 2129, 2131, 2134, 2137, 2178, 2219, 2264, 2265, 2267, 2268, 2269, 2281, 2283, 2284, 2285, 2293, 2294, 2315, 2317, 2437, 2447, 2497, 2533, 2534, 2535, 2536, 2539, 2556, 2607, 2638, 2639, 2640, 2657, 2658, 2660, 2661, 2662, 2685, 2686, 2717, 2737, 2760, 2968, 2984, 2986, 2987, 3005, 3006, 3233, 3298, 3300, 3329, 4028, 4029, 4030, 4031, 4032, 4050, 4051, 4052, 4053, 4055, 4057, 4059, 4060, 4061, 4062, 4081, 4212, 4596, 4597, 4600, 4613, 4615.
Patent Office; a bill to promote the progress of the useful arts, &c., 4609; passed, 4611.
Paymasters of the army; a bill for appointing three additional ones, 4115.
Pay and mileage; a bill to establish a more uniform rule of computing the mileage, &c., 4194.
Pennsylvania avenue; a resolution directing it to be watered, &c., 3461; laid on the table, 3465
Pension laws; a resolution to inquire into the expediency of extending the provisions of the act of 1832, 2525; agreed to.
bills; a number of bills in relation to pensions taken up and passed, 4284.
system; a bill to extend it, 4338; passed, 4339.
Pea Patch island; a bill to secure the title to the United States, 3226; taken up, 3708, 4068; laid on the table, 4175.
Pensacola and Perdido railroad; a bill to authorize the construction of the road through the public lands, 2963.
Polish exiles; a bill to amend an act granting lands to certain exiles from Poland, 4103.
Portuguese duties; (see *President's messages.*)
Post Office; resolution respecting its management, 2488.
resolution respecting its management, 2733.
a bill to change the organization of the Post Office Department, 3779; passed, 4135.
Post routes; a bill for the establishment of certain post routes, &c., 3811; passed, 4538.
Potomac bridge; a joint resolution for repairing it, 4140; passed.
Fire Insurance Company; a bill to amend the charter, 4489.
Presentation of petitions; a motion to suspend the rules, in order to allow such petitions to be presented as shall not be objected to, 3296.
President's annual message received, 1948; referred to committees, 1964.
message, with reports from the Secretaries of State and War, on the boundary question between Ohio and Michigan, 2178.
message informing the House that Great Britain had offered its mediation for the adjustment of our dispute with France, 2502.
message on Indian affairs, 2519.
message on Portuguese duties, 2667.
message relating to the treaty of limits with Mexico, 3509.
message stating that the four instalments under the treaty with France had been received, 3594.
message in relation to the Potomac bridge, 4139.
Printers to the House, Messrs. Blair & Rives elected, 1948.
Protest of Messrs. Garland, Glascock, and Robertson, on a portion of the resolution adopted on the subject of slavery, 2503.
Recession of the District of Columbia; a resolution instructing the Committee on the District to inquire into the expediency of receding said District, 2697; the suspension of the rules to allow the motion, refused.
Representatives' hall; leave asked to offer a proposition for a committee to ascertain whether a better hall for legislation cannot be provided, 3617; leave refused.
Retrenchments; resolutions for making them in the several Departments, proposed to the House, 3225; not received.
Revenue service; a bill to regulate the compensation of officers of the revenue cutters, 4205; passed, 4206.
Rules of the House; a motion to amend them, so as to require the Committee of Ways and Means to report the general appropriation bill within thirty days of the commencement of every session, 1949; agreed to in the form of instructions to the committee for reporting the rules, 1957.
Rules, on the suspension of, 2487.
resolution proposing an alteration of them, 4499.
Salaries; a bill providing salaries for the officers therein named, 3364; passed.
Schmuck, Ellen Abein; a bill granting her a pension, 4289.
Secretary of the Treasury's annual report received, 1948.
Seminole hostilities; a bill making an appropriation for repressing them, 2138; taken up, 2180; passed.
a bill making additional appropriations, 2358; passed, 2360.
a bill for the payment of volunteers and militia corps, 2722; passed.
Sergeant-at-arms, Roderick Dorsey elected, 1960.
Slavery in the District of Columbia; petitions on the subject, 1961, 1966, 2607.

Smith, Hon. Nathan, from Connecticut; his death announced, 1949.
Smith, Jesse, and others, a bill for relief of, 2489; passed, 2642.
Smithsonian legacy; a motion to print a large number of a report on the subject, 2236; amended and agreed to, 2237.
Standing committees appointed, 1959.
Spain; a bill for carrying into effect a convention with, 2141, 2681, 3734; passed.
Speaker, James K. Polk, from Tennessee, elected, 1945; his address.
Sufferers by fire at New York; report and documents, and a bill for the relief of the sufferers, 1991; taken up, 2239; passed, 2705.
a bill amendatory of the above act, 3117; passed, 3119.
Sufferers in Florida; (see *Florida.*)
Surplus revenue; (see *Lands.*)
Tatum, Nathaniel P.; a bill for his relief, 2746; passed.
Tennessee pensioners; a bill providing for the payment of certain pensioners at Pulaski, in Tennessee, 3677; passed.
Territorial bills; a resolution proposing to fix the time for considering them, 3234.
Texas; a memorial from Ohio, praying Congress to recognize the independence of Texas, 4080.
memorial from Nashville, in Tennessee, 4499; and a resolution proposing an appropriation for the outfit and salary of a minister to Texas; laid on the table.
resolutions reported, declaring that the independence of Texas ought to be acknowledged whenever satisfactory information has been received that a successful Government is in operation; agreed to.
Topographical engineers; a bill for their better organization, 2172.
do. to authorize the chief engineer to employ clerks and a messenger, 2172.
Trades Union; memorial asking Congress to regulate the hours of labor, 2890.
United States and Mexico; a bill from the Senate to provide for carrying into effect the treaty of limits, &c., 3723.
Volunteers; a bill to provide payment of volunteers and militia in the service of the United States, 2575.
do. authorizing the President to accept of volunteers, 3322, 3330; passed, 3375.
Washington, George; a bill authorizing the officers of the Washington Monument Society to erect a monument to his memory, 4490.
West Point Academy; a resolution proposing the appointment of a committee to inquire what amendments, if any, are expedient to be made to the laws of the institution, &c., 2191, 2682.
a bill making appropriations for the Military Academy for the year 1836, 4569; passed, 4577.
Western frontier; a bill appropriating a million of dollars for its defence, 3493, 3510; bill passed, 3548.
a bill to provide for its better protection, 3593; passed, 3756.
Whitney, Reuben M.; a resolution offered by Mr. Wise, proposing the appointment of a select committee to inquire into the mode of selecting banks of deposite, and into the contracts by which they are regulated, and to inquire into the connexion which exists between R. M. Whitney and the Treasury Department, or between him and said banks of deposites, &c, 3095; the House refused to suspend the rules to take up the resolution.
Whittlesey, Thomas T., from Connecticut, took his seat, to supply the place of Zalmon Wildman, deceased, 3460.
Wildman, Hon. Zalmon, from Connecticut; his death announced, 1958.
Wisconsin Territory; the bill for establishing the Territorial Government thereof, 3090, 3201, 3220, 3308; passed.
Yeas and nays, on questions in relation to the abolition of slavery in the District of Columbia, 1961, 1963, 1987, 1997, 2076, 2077, 2136, 2179, 2220, 2238, 2315, 2320, 2483, 2498 to 2501, 2535, 2608, 2620, 2658, 2659, 2660, 2662, 2695.
the constitution of Michigan, 2090, 2101.
the Representative of Michigan taking his seat, 2103.
banks in the District of Columbia, 2103, 2111, 2127.
Michigan memorial, 2159, 2160.
resolution in favor of increasing the navy, 2168.
taking up appropriation bills, 2358.
fortification bill of last session, 2437.
resolution for relief of sufferers in Florida, 2447.
considering the report on the rules of the House, 2484.
appropriation bills, 2486, 2487.
bill for relief of the sufferers at New York by fire, 2627, 2628, 2668, 2704.
do. touching the limitation of the term of office, 2634.
boundary line between Ohio and Michigan, 2680.
West Point Military Academy, 2682.
contested election of Mr. Graham, 2686, 2688, 2759, 2865, 2880, 2887, 3008 to 3014.
recession of the District of Columbia, 2697.
memorial from Dauphin county, Pennsylvania, 2779.
bill for repealing 14th section of the act incorporating the Bank of the United States, 2934, 2935.
suspending the rules of the House to consider Mr. Wise's resolution in relation to the employment of Reuben M. Whitney, and Mr. Peyton's proposing that the bill to regulate the public deposites in certain local banks be made the special order of the day, and have preference over all other business, 3096, 3120.
bill graduating the price of public lands, 3219, 3495.
on a motion to suspend the rules to take up a resolution in relation to deposites of public moneys, by Mr. Wise, 3230.
on a similar motion, by do., 3244.
Mr. Dromgoole's resolution directing the Secretary of the Treasury to communicate full information of the manner of selecting banks, &c., 3244.
navy appropriation bill, 3474.
the bill for the relief of the corporate cities of the District of Columbia, 3508, 3720, 3722.
bill for the defence of the Western frontier, 3511, 3547.
Kentucky resolutions respecting the public lands, 3862.
a report on abolition, 4030, 4031, 4051, 4052.
the suspension of the rules to take up the bills to establish the boundary line of Ohio, &c., 4186.
amendments to and on the passage of the above bills, 4290 to 4294.
bill for appropriating proceeds of public lands, 4322.
the deposite bill, 4371, 4378, 4379.
harbor bill, 4531, 4533, 4534, 4611.

Yeas and nays, on Cumberland road bill, 4547.
bill making further appropriations for carrying into effect certain Indian treaties, 4567, 4568.
Yeas and nays, on resolutions respecting bank loans to members of Congress, 4605.
on acknowledging the independence of Texas, 4622.

INDEX TO THE NAMES OF THE SPEAKERS

IN THE DEBATES IN THE HOUSE OF REPRESENTATIVES, ALPHABETICALLY ARRANGED.

Adams, Mr., Massachusetts, on amending the rules, 1949, 1952, 1955, 1957.
on slavery in the District, 1996, 2000, 2128, 2129, 2135, 2168, 2219, 2240, 2314, 2316, 2317, 2321, 2534, 2607.
the Ohio boundary, 2042.
constitution of Michigan, 2093.
District banks, 2116, 2120.
Seminole hostilities, 2139, 2359, 2727, 2732.
United States and Mexico, 2142, 2144, 3733, 3734.
partial appropriation bill, 2172.
fortification bill of last session, 2264, 2265, 2267, 2268, 2269.
the appropriation bills, 2468.
executive patronage, 2471, 2477.
French affairs, 2518, 2606.
pension laws, 2526.
the contested election of Mr. Graham, 2633, 2693, 2987, 2988, 2989.
on the cultivation and manufacture of cotton, 2735.
relief of Alford and Brush, 2883.
memorial from the Trades Union, 2891.
Bank of the United States, 2920.
Wisconsin Territory, 3094.
sufferers by fire in New York, 3117, 3119.
general appropriation bill, 3269, 3320.
bill for acceptance of volunteers, 3353, 3354, 3374.
deposite banks, 3354.
defence of the Western frontier, 3519, 3521, 3764, 3766.
remarks on a paragraph in the Globe respecting the treaty for the Southwestern frontier, 3579.
naval appropriation bill, 3615.
fortification bill, 3668.
misrepresentations corrected in relation to the Florida treaty in 1819, 3701.
Mexican affairs, 3733, 3902.
Post Office Department, 3783, 4112, 4132.
abolition report, 4028, 4029, 4030, 4031, 4032, 4050, 4053.
allowing rations to sufferers in Alabama, 4036.
amending the journal, 4057, 4059, 4060, 4061, 4062, 4063.
a decision of the Chair, 4091, 4096, 4102.
convention with Spain, 4115, 4176.
bill to change the time of meeting of Congress, 4138.
Indian annuities, 4174.
the admission of Michigan and Arkansas, 4208, 4251, 4260, 4306.
on a breach of privilege, 4282, 4283, 4321.
Ohio boundary bill, 4309, 4310.
deposite bill, 4316, 4350, 4359.
inquiring into bank loans to members of Congress, 4348.
printing the constitutions of the several States, 4349.
Adams, Mr., on Indian treaties, 4501, 4502, 4504, 4549.
address on Mr. Madison's death being announced, 4564.
Indian frauds and hostilities, 4584.
admission of Arkansas into the Union, 4677.
Allan, Mr., Kentucky, on the pension laws, 2525.
on the disposition of the public lands, 2892.
contested election of Mr. Graham, 2989.
general appropriation bill, 3240.
fortification bill, 3904, 4175.
pension bills, 4284.
Anthony, Mr., Pennsylvania, on the appropriation bills, 2469.
contested election of Mr. Graham, 2721, 2962, 2986.
Seminole hostilities, 2732.
Post Office Department, 4132.
admission of Michigan and Arkansas, 4210.
deposite bill, 4339, 4350, 4351, 4359.
Ash, Mr., Pennsylvania, on the deposite bill, 4368.
harbor bill, 4485.
Ashley, Mr., Missouri, on the Michigan Mining Company, 2142.
Wisconsin Territory bill, 3222.
the general appropriation bill, 3269, 3285.
bill for the acceptance of volunteers, 3325, 3339, 3353, 3368.
fortification bill, 4175, 4335.
harbor bill, 4388, 4389, 4390.
military and other roads, 4501.
Beale, Mr., Virginia, on the deposite bill, 4368.
Beardsley, Mr., New York, on slavery in the District, 1971, 1972, 1975, 1979, 1987, 2038.
the Representative of Michigan taking his seat, 2102.
District banks, 2109, 2114, 2115, 2119, 2120.
memorial from Michigan, 2145, 2146, 2155.
sufferers by fire at New York, 2210.
the contested election of Mr. Graham, 2648, 2961.
memorial from Trades Union, 2891.
Bank of the United States, 2933.
Beaumont, Mr., Pennsylvania, on the fortification bill, 3989.
Bell, Mr., Tennessee, on slavery in the District, 1968.
the amendment of the rules, 2180.
naval appropriations, 2181.
the appropriation bills, 2344, 2504, 2505, 2506, 2516.
executive patronage, 2470, 2473, 2475, 2476.
contested election of Mr. Graham, 2623, 2629, 2632.
naval service bill, 2817, 3207, 4672.
amending the constitution, 3015, 3016, 3017.
general appropriation bill, 3243, 3246.
army appropriation bill, 3376, 3391.
suspending the sale of part of the land acquired by the treaty of Dancing Rabbit creek, 3461.
defence of the Western frontier, 3520, 3788.

Bell, Mr., on Choctaw claims, 3615.
Post Office Department, 3785, 3810, 4134.
Indian appropriation bill, 4067.
on a decision of the Chair, 4099.
Indian annuities, 4136, 4140, 4174, 4175, 4187, 4190.
to alter the time of meeting of Congress, 4138.
breach of privilege, 4283.
deposite bill, 4339.
the harbor bill, 4391, 4437, 4532.
on recognising the independence of Texas, 4449.
Indian treaties, 4566.
Indian frauds and hostilities, 4580, 4585.
the mission to Ohio and Michigan, 4663.
Bond, Mr., Ohio, on the constitution of Michigan, 2091.
Post Office, 2488.
Bank of the United States, 2927.
the Jackson city bill, 3004.
Wisconsin Territory bill, 3220.
general appropriation bill, 3319.
bill for the acceptance of volunteers, 3322.
deposite banks, 3357, 3402.
bill for relief of Letcher and Moore, 4192.
Boon, Mr., Indians, on frauds under the pre-emption laws, 2518.
French affairs, 2606.
Bank of the United States, 2934.
Pensacola and Perdido railroad, 2964.
Wisconsin Territory bill, 3223.
general appropriation bill, 3320.
bill for the acceptance of volunteers, 3374.
division of the public lands, 3548.
deposite banks, 3707.
a decision of the Chair, 4102.
bill in favor of Polish exiles, 4103.
pension bills, 4284.
fortification bill, 4318.
inquiry into bank loans to members of Congress, 4348, 4349.
harbor bill, 4532.
Indian treaties, 4566.
Indian frauds and hostilities, 4589, 4603.
Bouldin, Mr., Virginia, on slavery in the District, 1976, 2002, 2169, 2224.
the District banks, 2104, 2108, 2112.
sufferings in Florida, 2442.
do. by fire in New York, 2710.
the contested election of Mr. Graham, 2736.
treaty with Mexico, 3728.
report on abolition, 3758.
bill in favor of Polish exiles, 4104.
Post Office Department, 4114.
bill for relief of Letcher and Moore, 4193.
appropriating the proceeds of the public lands, 4196, 4323.
the admission of Michigan and Arkansas, 4208.
breach of privilege, 4283.
Ohio boundary bill, 4309.
District banks, 4438.
Indian treaties, 4550.
Indian frauds and hostilities, 4583.
Boyd, Mr., Kentucky, on the contested election of Mr. Graham, 2621, 2623, 2629, 2641, 2647, 2650, 2685, 2764, 2766, 2864, 2865, 2868, 2959, 2988.
harbor bill, 4389.
Briggs, Mr., Massachusetts, on West Point Academy, 2192.
the Post Office, 2488.
slavery in the District, 2533.
New York sufferers by fire, 2628, 3118.
Bank of the United States, 2931.
incendiary publications, 2946.
Briggs, Mr., on contested election of Mr. Graham, 2984.
allowing pay to D. Newland, 3089.
on furnishing the new members with books, 3147.
division of the proceeds of the public land, 3627.
defending the Western frontier, 3771.
Post Office Department, 3781, 3783, 4134, 4536.
amending the journal, 4061.
to alter the time of meeting of Congress, 4137, 4537.
fortification bill, 4175, 4338.
admission of Michigan and Arkansas, 4210, 4274.
Ohio boundary bill, 4310.
Indian treaties, 4557.
Brown, Mr., New York, on the New York sufferers from fire, 2599.
slavery in the District, 2609.
contested election of Mr. Graham, 2665.
Bank of the United States, 2921.
Wisconsin Territory, 3093.
Bynum, Mr., North Carolina, on slavery in the District, 2130, 2536.
naval appropriations, 2187.
the fortification bill of last session, 2435.
Post Office Department, 2540.
contested election of Mr. Graham, 2621, 2637, 2638, 2664, 2666, 2683, 2685, 2686, 2688, 2737, 2885, 2887, 2966, 2967, 2984, 2989.
defence of Western frontier, 3544.
dividing the proceeds of the public lands, 3684.
report on abolition, 3763, 3772, 3778.
Indian frauds and hostilities, 4584.
Calhoon, Mr., Kentucky, on the contested election of Mr. Graham, 2985, 2986, 2987, 2996.
bill for acceptance of volunteers, 3334.
treaty with Mexico, 3728.
on a decision of the Chair, 4094.
Indian treaties, 4549, 4565.
judiciary bill, 4615, 4618.
Calhoun, Mr., Massachusetts, on deposite banks, 3355.
deposite bill, 4342.
Cambreleng, Mr., New York, on amending the rules, 1951.
slavery in the District, 1985.
sufferers by fire at New York, 1991, 1994, 2041, 2102, 2132, 2140, 2195, 2196, 2526, 2574, 2594, 2595, 2598, 2599, 2600, 2623, 2624, 2711, 3117.
District banks, 2118.
Seminole hostilities, 2138, 2139, 2358, 2722, 2726.
partial appropriation bill, 2172, 2173.
naval do., 2160, 2181, 2182, 2504, 2506, 2516, 2517, 2668, 2801, 3145, 3146, 3201, 3205.
fortification bill of last session, 2263, 2314, 2360.
on the appropriation bills, 2355, 2469.
sufferings in Florida, 2440.
repealing the 14th section of the act establishing the United States Bank, 2919, 2935, 3235.
amending the constitution, 3017.
on increasing custom-house officers, 3147.
Wisconsin Territory, 3201.
general appropriation bill, 3240, 3241, 3246, 3248, 3249, 3269, 3270, 3273, 3282, 3283, 3307, 3321, 3326, 3509, 3510.
bill for acceptance of volunteers, 3333, 3341.
providing salaries for certain officers, 3364.
army appropriation bill, 3376, 3465, 3466, 3467, 3578.
naval do., 3469, 3470, 3474, 3614, 3615.
for the defence of the Western frontier, 3493, 3510, 3511, 3518, 3519, 3544, 3547, 3763, 3766.
fortification bill, 4009, 4178, 4313, 4330, 4331, 4334, 4585.

Cambreleng, Mr., on Post Office Department, 4064, 4133.
on printing an extra number of Secretary of the Treasury's report, 4067.
Indian appropriation bill, 4067.
do. annuities, 4135, 4175, 4191.
deposite bill, 4366.
Indian treaties, 4501, 4502, 4503, 4549, 4557, 4565, 4566.
bill for suppressing Indian hostilities, 4568.
West Point Academy, 4568, 4576.
judiciary bill, 4614.
Carter, Mr., Tennessee, on the general appropriation bill, 3286, 3290, 3300.
fortification bill, 3937, 4334.
harbor bill, 4384, 4387, 4389, 4485, 4491.
Casey, Mr., Illinois, on resolutions on the death of his colleague, Mr. Kane, 1959.
on the bill to graduate the price of public lands, 2133.
Chambers, Mr., Pennsylvania, on amending the rules, 1957.
sufferers by fire at New York, 2199, 2712.
on the naval service bill, 2799, 2801.
repealing the 14th section of the United States Bank act, 3236.
division of the proceeds of the public lands, 3580.
Post Office Department, 4064.
Chambers, Mr., Kentucky, on the New York sufferers by fire, 2199, 2601, 2623, 3118.
contested election of Mr. Graham, 2942, 2985, 3006.
general appropriation bill, 3289.
presentation of petitions, 3299.
bill for acceptance of volunteers, 3374.
admission of Michigan and Arkansas, 4279.
breach of privilege, 4521.
Indian treaties, 4559.
Chapin, Mr., New York, on the Smithsonian legacy, 2236.
harbor bill, 4389, 4485.
light-house bill, 4494.
Indian treaties, 4557.
Chapman, Mr., Alabama, on the Pensacola and Perdido railroad, 2963, 2964.
Indian treaties, 4557.
Claiborne, Mr., Virginia, on contested election of Mr. Graham, 2622, 2623, 2647, 2865.
Claiborne, Mr., Mississippi, on treaty of Dancing Rabbit creek, 2467.
the contested election of Mr. Graham, 3006.
Choctaw claims, 3615, 3616.
abolition report, 4116, 4118.
harbor bill, 4389, 4485.
Chickasaw school lands, 4612.
Clark, Mr., Pennsylvania, on slavery in the District, 2657.
on memorial in favor of the colonization cause, 2696, 2779.
Coffee, Mr., Georgia, on a report on abolition, 4052.
Connor, Mr., North Carolina, on incendiary publications, 2485, 2945.
contested election of Mr. Graham, 2666.
altering the time of making mail contracts, 3495.
bill for changing the organization of the Post Office Department, 3779, 3781, 3782, 3784, 3810, 4063, 4105, 4112, 4133, 4390, 4535.
post route bill, 4537.
Corwin, Mr., Ohio, on the constitution of Michigan, 2087.
general appropriation bill, 3289.
harbor bill, 4389.
Cumberland road bill, 4498.
military and other roads, 4501.
Craig, Mr., Virginia, on slavery in the District, 2171.
the partial appropriation bill, 2173.
on a decision of the Clair, 4081.
Crane, Mr., Ohio, on the deposite bill, 4349.
harbor bill, 4447.
Cushing, Mr., Massachusetts, on slavery in the District, 2322.
naval appropriation bill, 2519, 3205.
convention with Spain, 2681.
contested election of Mr. Graham, 2686.
sufferers by fire in New York, 3118.
repealing the 14th section of the United States Bank act, 3237.
District business, 3480.
treaty with Mexico, 3724.
the Kentucky resolutions respecting the disposition of the public lands, 3820.
allowing rations to sufferers in Alabama, 4035.
admission of Michigan and Arkansas, 4260, 4301.
Cushman, Mr., New Hampshire, on the navy appropriation bill, 2505, 2516, 3209.
contested election of Mr. Graham, 2986, 2987, 3005.
Wisconsin Territory bill, 3222, 3225.
sufferers by fire in New York, 2568.
Davis, Mr., Indiana, on the Michigan Mining Company, 2144, 2159.
contested election of Mr. Graham, 2664, 2989.
Bank of the United States, 2932.
Pensacola and Perdido railroad, 2965.
Deberry, Mr., North Carolina, on the pension laws, 2526.
Denny, Mr., Pennsylvania, on the sufferers by fire at New York, 2239.
repealing the 14th section of the act establishing the Bank of the United States, 2922, 3237.
general appropriation bill, 3287.
Post Office Department, 4064.
appropriating the proceeds of the public lands, 4196.
fortification bill, 4332.
deposite bill, 4340.
harbor bill, 4485.
Dickerson, Mr., New Jersey, on the bill to secure the title to Pea Patch island, 3708.
fortification bill, 4333.
deposite bill, 4340, 4346.
Doubleday, Mr., New York, on the deposite bill, 4367.
Dromgoole, Mr., Virginia, on limiting the term of office, 2635.
amending the constitution, 3015, 3016, 3017.
the deposite banks, 3314, 3354.
fortification bill, 4331.
deposite bill, 4350, 4368.
Dunlap, Mr., Tennessee, on the naval appropriation bill, 2506.
New York sufferers by fire, 2625, 2721.
Seminole hostilities, 2725, 2732.
repealing the 14th section of the United States Bank act, 3235.
disposition of the public lands, 3862.
fortification bill, 4335, 4336.
deposite bill, 4347.
harbor bill, 4385.
Indian treaties, 4566.
additional appropriation bill, 4608.
Evans, Mr., Maine, on the fortification bill of last session, 2414.
French affairs, 2518.
naval service bill, 2780.
allowing pay to D. Newland, 3089.
District business, 3480, 3508.
judiciary bill, 4618.

Everett, Mr., Vermont, on amending the rules, 1953, 1957.
the constitution of Michigan, 2090.
District banks, 2111, 2122.
naval affairs, 2165, 2509, 3207.
sufferers at New York by fire, 2239, 2705, 3119.
do. in Florida, 2439.
appropriation bills, 2485.
Post Office Department, 2537.
erecting a monument to the memory of Captain N. Hale, 2557.
general appropriation bill, 3287, 3289, 3319.
bill for the acceptance of volunteers, 3325, 3353, 3354, 3374.
Post Office Department, 3779, 3781, 3782, 3783, 4055, 4134.
fortification bill, 4009.
Indian annuities, 4141, 4187.
admission of Michigan and Arkansas, 4214, 4304.
Indian frauds and hostilities, 4602.
judiciary bill, 4617.
Fairfield, Mr., Maine, on the bill to incorporate the Jackson City Association, 3002, 3004.
District business, 3481.
Post Office Department, 4112.
Potomac Fire Insurance Company, 4489.
Forester, Mr., Tennessee, on the fortification bill, 3763, 3863, 4689.
French, Mr., Kentucky, on Seminole hostilities, 2732.
general appropriation bill, 3325, 3326.
fortification bill, 3086.
for extending the pension system, 4338.
the payment of volunteers and militia, 4705.
Fry, Mr., Pennsylvania, on the contested election of Mr. Graham, 2692.
judiciary bill, 4616.
Galbraith, Mr., Pennsylvania, on slavery in the District, 2620.
Bank of the United States, 2932.
deposite bill, 4359.
harbor bill, 4447.
Garland, Mr., Virginia, on slavery in the District, 1967, 1970, 2062, 2334, 2503.
the contested election of Mr. Graham, 2985.
naval service bill, 3018, 3202.
army appropriation bill, 3467.
division of the proceeds of the public lands, 3585.
Post Office Department, 3783, 3810.
Garland, Mr., Louisiana, on the District banks, 2112.
New York sufferers by fire, 2600.
defence of the Western frontier, 3530.
misrepresentations in the papers corrected, 3678.
harbor bill, 4389.
District banks, 4438.
Indian frauds and hostilities, 4583.
Land Office bill, 4606.
Gillet, Mr., New York, on the partial appropriation bill, 2174.
District banks, 2217.
bill for relief of Jesse Smith, 2489.
slavery in the District, 2537.
reorganizing the militia, 2767.
contested election of Mr. Graham, 2886, 2986.
allowing pay to D. Newland, 3088.
bill for accepting volunteers, 3346.
division of the proceeds of the public lands, 3592, 3617.
Post Office Department, 3782.
bill to alter the time of meeting of Congress, 4137.
bill to regulate the compensation of officers of revenue cutters, 4205.
on a breach of privilege, 4281.
Gillet, Mr., on the deposite bill, 4376.
harbor bill, 4387, 4448, 4492.
District banks, 4440.
Indian treaties, 4558.
Glascock, Mr., Georgia, on slavery in the District, 1968, 1989, 2129, 2137, 2317, 2318.
naval affairs, 2161.
sufferers in Florida, 2443.
executive patronage, 2479, 2481.
removal of the Creek Indians, 2556.
contested election of Mr. Graham, 2685, 2889, 2890.
reorganization of the militia, 2777, 2778.
general appropriation bill, 3287.
bill for accepting volunteers, 3345, 3764, 3765, 3788.
District business, 3479.
report on abolition, 4032.
amending the journal, 4059, 4060.
Indian annuities, 4174, 4190.
Graham, Mr., North Carolina, on his own contested election, 2639, 2650, 2767, 2864, 2937, 2946, 2965, 2997.
Granger, Mr., New York, on slavery in the District, 2008, 2482, 2620.
sufferers in Florida, 2440.
distribution of the proceeds of the public lands, 3620.
amending the journal, 4061.
the Wisconsin Territory, 3093.
bill for accepting volunteers, 3340.
fortification bill, 4009, 4334.
on amending the journal, 4061.
bill in favor of Polish exiles, 4103.
Grantland, Mr., Georgia, on Indian treaties, 4549, 4550, 4553, 4558.
Indian frauds and hostilities, 4580, 4592.
Graves, Mr., Kentucky, on the New York sufferings from fire, 2558, 2601.
contested election of Mr. Graham, 2984, 2985, 2986.
Kentucky resolutions, 3231.
general appropriation bill, 3287.
naval appropriation do., 3469, 3470, 3474, 3615, 3616.
District business, 3482, 3484, 3507, 3508.
defence of Western frontier, 3546, 3547.
division of proceeds of the public lands, 3548, 3718.
Post Office Department, 3783, 3784.
harbor bill, 4389.
additional appropriation bill, 4608.
Grennell, Mr., Massachusetts, on the District banks, 2121.
naval affairs, 2166.
slavery in the District, 2541.
the contested election of Mr. Graham, 2700, 2718.
Pensacola and Perdido railroad, 2965.
the distribution of proceeds of public lands, 3201, 3582.
Choctaw claims, 3616.
report on abolition, 4028.
Post Office Department, 4134.
Indian annuities, 4188.
Hall, Mr., Maine, on the deposite bill, 4339.
Hall, Mr., Vermont, on incendiary publications, 2944.
the Post Office Department, 3782, 3783, 3808, 4065.
fortification bill, 3973, 4314, 4585.
Haley, Mr., Connecticut, announces the death of his colleague, Mr. Wildman, 1958.
on the reorganization of the militia, 2777.
Hamer, Mr., Ohio, on amending the rules, 1958.

Hamer, Mr., on slavery in the District, 1978.
constitution of Michigan, 2078, 2102.
West Point Academy, 2194.
executive patronage, 2471.
reorganization of the militia, 2777, 2778.
memorial of Trades Union, 2891.
contested election of Mr. Graham, 2970.
allowing pay to D. Newland, 3089.
Wisconsin Territory bill, 3223.
navy appropriations, 3470, 3471, 3555.
District business, 3478, 3479.
defence of the Western frontier, 3520.
division of the proceeds of the public lands, 3583.
report on abolition, 4032.
amending the journal, 4057, 4060.
admission of Michigan and Arkansas, 4232.
fortification bill, 4332.
harbor bill, 4494.
Hammond, Mr., South Carolina, on slavery in the District, 1966, 1967, 1969, 1971, 1978, 1986, 1987, 1996, 2119, 2220, 2448, 2495.
on naval affairs, 2162.
Hannegan, Mr., Indiana, on the Michigan memorial, 2145, 2160.
West Point Academy, 2194, 2682.
appropriation bills, 2485.
suspension of the rules, 2488.
the general appropriation bill, 3287, 3321.
bill for the acceptance of volunteers, 3345, 3375.
the disposition of the public lands, 3862.
admission of Michigan and Arkansas, 4213.
Cumberland road bill, 4547.
memorial from Legislature of Michigan, 4670.
Hard, Mr., New York, on the contested election of Mr. Graham, 2623, 2641, 2664, 2683, 2685, 2692, 2755, 2865, 2867, 2884, 2946, 2960.
admission of Michigan and Arkansas, 4267.
fortification bill, 4329.
harbor bill, 4485.
Hardin, Mr., Kentucky, on the New York sufferers by fire, 2141, 2196, 2574, 2599, 2600, 2710.
Michigan memorial, 2156.
partial appropriation bill, 2173.
slavery in the District, 2317.
on the appropriation bills, 2343, 2357, 2468.
Seminole war, 2359.
last year's fortification bill 2388.
naval appropriation bill, 2507, 2524.
contested election of Mr. Graham, 2622, 2664, 2666, 2691, 2890, 2940, 2968.
Pensacola and Perdido railroad, 2964.
allowing pay to D. Newland, 3087.
Wisconsin Territory bill, 3222.
repealing the 14th section of the United States Bank act, 3239.
the general appropriation bill, 3273, 3289, 3319.
bill for the acceptance of volunteers, 3325, 3330, 3765, 3772, 3792.
army appropriation bill, 3466.
on District business, 3508, 3722.
report on abolition, 3757, 4116.
fortification bill, 4313, 4330.
for extending the pension system, 4339.
deposite bill, 4358.
Indian treaties, 4561.
Harlan, Mr., Kentucky, on the District banks, 2217.
Kentucky Asylum for Deaf and Dumb, 2735.
Post Office Department, 3810.
admission of Michigan and Arkansas, 4277.
harbor bill, 4485.
Harrison, Mr., Missouri, on surveying inundated lands, 3200.
the bill for accepting volunteers, 3336.
deposite bill, 4350.
Harper, Mr., Pennsylvania, on slavery in the District, 1982.
naval appropriations, 2182, 3205, 3206.
sufferings in Florida, 2447.
repealing the 14th section of the act establishing the Bank of the United States, 2932, 3237.
increasing custom-house officers, 3146.
the general appropriation bill, 3273, 3319.
army appropriation bill, 3466.
District business, 3480.
Post Office Department, 3781, 3782, 4114.
harbor bill, 4380.
Hawes, Mr., Kentucky, on naval affairs, 2162.
West Point Academy, 2192.
France and United States, 2218.
slavery in the District, 2222.
sufferings in Florida, 2442.
Post Office Department, 2537, 2538, 2539, 2540.
pay of volunteers, 2576.
naval service bill, 2866.
Bank of the United States, 2927.
contested election of Mr. Graham, 2941, 2985, 2987, 2988.
disposition of the public lands, 2989, 3360.
amending the constitution, 3016.
presentation of petitions, 3299.
general appropriation bill, 3319.
deposite banks, 3354.
bill for the acceptance of volunteers, 3368, 3374.
army appropriation bill, 3466.
navy do., 3469, 3470, 3577.
District business, 3482, 3507, 3508.
Choctaw claims, 3616.
report on abolition, 3759.
allowing rations to sufferers in Alabama, 4033, 4035.
Post Office Department, 4065, 4105, 4114.
breach of privilege, 4320, 4322.
fortification bill, 4329, 4332, 4335, 4337.
harbor bill, 4380, 4388, 4389, 4447, 4486, 4491.
District banks, 4440.
monument to Washington, 4490.
light-house bill, 4494.
harbor bill, 4530, 4531, 4532, 4533.
West Point Academy bill, 4577.
Indian frauds and hostilities, 4581.
Hawkins, Mr., North Carolina, on the contested election of Mr. Graham, 3006.
allowing pay to Mr. Newland, in contesting Mr. Graham's election, 3015.
report in favor of paying Newland, 3084, 3087, 3089.
Haynes, Mr., Georgia, on the disposition of the public lands, 3855.
allowing rations to sufferers in Alabama, 4049.
Indian annuities, 4174.
harbor bill, 4387.
Indian treaties, 4504.
Hiester, Mr., Pennsylvania, on the memorial of New York Trades Union, 2696.
disposition of the public lands, 3862.
report on abolition, 4031.
fortification bill, 4333.
Hoar, Mr., Massachusetts, on slavery in the District, 2253.
the contested election of Mr. Graham, 2961.
Wisconsin Territory bill, 3223.
presentation of petitions, 3297.
bill for accepting volunteers, 3353.
United States and Mexico, 3730.
Indian treaties, 4557.
Indian frauds and hostilities, 4582.
Holsey, Mr., Georgia, on the Michigan memorial, 2155.

Holsey, Mr., on slavery in the District, 2138.
sufferings in Florida, 2442.
defence of the Western frontier, 3771, 3793.
Hopkins, Mr., Virginia, on slavery in the District, 1974.
the contested election of Mr. Graham, 2984.
Howard, Mr., Maryland, on amending the rules, 1958.
slavery in the District, 1986.
constitution of Michigan, 2080, 2089, 2090.
District banks, 2120, 2122.
Smithsonian legacy, 2236.
taking up appropriation bills, 2356.
contested election of Mr. Graham, 2624, 2640, 2662.
memorial from the Trades Union, 2890.
army appropriation bill, 3467.
report on abolition, 3759, 3761.
Post Office Department, 4114.
Indian treaties, 4502.
Howell, Mr., Ohio, on the naval service bill, 3206.
Wisconsin Territory bill, 3222.
deposite banks, 3354.
Hunt, Mr., New York, on slavery in the District, 1988.
the bill for relief of Jesse Smith, 2489.
New York sufferers by fire, 2584.
Post Office Department, 4106.
abolition report, 4116.
fortification bill, 4197.
inquiry into bank loans to members of Congress, 4348.
harbor bill, 4380.
Huntsman, Mr., Tennessee, on the District banks, 2215.
Seminole war, 2359.
contested election of Mr. Graham, 2737.
general appropriation bill, 3288, 3304.
statement in reply to some corrections of misrepresentations made by Mr. Adams, 3705.
Post Office Department, 4056, 4064.
amending the journal, 4057, 4060.
Ingersoll, Mr., Pennsylvania, on slavery in the District, 2010.
executive patronage, 2475.
proposing a marble bust to the memory of the late Chief Justice Marshall, 2527.
awards under treaty with France, 2800.
relief of Alford and Brush, 2881.
Bank of the United States, 2919.
furnishing new members with books, 3148.
fortification bill, 3958.
Pea Patch island bill, 4080.
providing books for new members, 4308.
Post Office Department, 4536.
West Point Academy bill, 4577.
judiciary bill, 4615.
Jackson, Mr., Massachusetts, on a petition praying for the abolition of slavery in the District of Columbia, 1966.
on the Cumberland road bill, 4495.
Jarvis, Mr., Maine, on slavery in the District, 2135, 2178, 2222.
naval affairs, 2160, 2161, 2504, 2516, 3097, 3202, 3206, 3468, 3469, 3471, 3614.
District business, 3488, 3507, 3719.
extending the pension system, 4338.
the deposite bill, 4359.
monument to Washington, 4491.
light-house bill, 4495.
judiciary bill, 4614.
Jenifer, Mr., Maryland, on the naval appropriation bill, 2515.
Post Office Department, 2733, 4135.
resolutions of the Maryland Legislature relative to the expurgation of the Senate journal, 3252.
District business, 3482, 3722.
Jenifer, Mr., on the fortification bill, 3994.
a decision of the Chair, 4096.
Maryland resolutions for distributing the proceeds of the public land, 4186.
admission of Michigan and Arkansas, 4279.
District banks, 4439.
Johnson, Mr., Kentucky, on amending the rules, 1957.
slavery in the District, 2171, 2172.
partial appropriation bill, 2172.
pay of volunteers, 2576.
Seminole hostilities, 2722, 2723, 2726, 2727, 2733.
general appropriation bill, 3246.
bill for accepting volunteers, 3353.
for the better protection of the Western frontier, 3593.
for relief of Letcher and Moore, 4192.
Indian treaties, 4560.
judiciary bill, 4617.
supplying public documents, &c., 4666, 4667, 4670.
bill to pay money advanced by Charleston, &c., for prosecuting the Florida war, 4673.
Johnson, Mr., Louisiana, on slavery in the District, 2022.
the Michigan Mining Company, 2144.
Territory of Wisconsin, 3093, 3221.
bill for accepting volunteers, 3352.
defence of Western frontier, 3544.
Choctaw claims, 3616.
Post Office Department, 4057, 4064, 4133, 4134, 4536.
light-house bill, 4494.
Johnson, Mr., Tennessee, on the appropriation bills, 2468.
New York sufferers from fire, 2589, 2595, 2600, 3119.
French affairs, 2606.
Seminole hostilities, 2727, 2732.
awards under the treaty with France, 2800, 2801.
Territory of Wisconsin, 3093, 3221.
furnishing the new members with books, 3147.
general appropriation bill, 3300, 3320, 3509, 3510.
bill for the acceptance of volunteers, 3322.
providing salaries for certain officers, 3364.
District business, 3508.
Post Office Department, 3779, 3781, 3782, 3810, 4055.
admission of Michigan and Arkansas, 4279.
Land Office bill, 4606.
Jones, Mr., Virginia, on slavery in the District, 2034.
Jones, Mr., Michigan, on the Territory of Wisconsin, 3091.
Judson, Mr., Connecticut, on slavery in the District, 1986.
erecting a monument to Captain N. Hale, 2134, 2557.
Cumberland road, 2596.
sufferers by fire at New York, 2711.
Bank of the United States, 2923.
the naval service bill, 3204.
the breach of privilege, 4282, 4320, 4321, 4322.
Kennon, Mr., Ohio, on the Michigan memorial, 2150.
Land Office bill, 4606.
Kinnard, Mr., Indiana, on the District banks, 2123.
Michigan memorial, 2152.
Wisconsin Territory, 3093, 3220.
general appropriation bill, 3285.
fortification bill, 4204.
admission of Michigan and Arkansas, 4249.
public lands, 4323.
Lane, Mr., Indiana, on the constitution of Michigan, 2083, 2098.
District banks, 2107, 2109.

Lane, Mr., on Michigan Mining Company, 2143.
naval affairs, 2165, 3206, 3217.
partial appropriation bill, 2175.
sufferings in Florida, 2441.
New York sufferers by fire, 2588, 2593.
slavery in the District, 2662.
Bank of the United States, 2921.
contested election of Mr. Graham, 2942, 2944.
Wisconsin Territory bill, 3223.
dividing the proceeds of the public lands, 3679.
Pea Patch island bill, 4080.
a decision of the Chair, 4096.
Post Office Department, 4135.
appropriating the proceeds of the public lands, 4195.
admission of Michigan and Arkansas, 4305.
fortification bill, 4333.
deposite bill, 4339, 4341, 4371.
District banks, 4438.
harbor bill, 4447.
Cumberland road bill, 4547.
Indian treaties, 4561.
Lawler, Mr., Alabama, on slavery in the District, 2656.
the contested election of Mr. Graham, 2987, 2988, 2989.
general appropriation bill, 3273.
defence of Western frontier, 3765.
Indian annuities, 4174.
Lawrence, Mr., Massachusetts, on the New York sufferers from fire, 2703.
increasing custom-house officers, 3146.
Post Office Department, 4112, 4133.
Potomac Fire Insurance Company, 4490.
Lay, Mr., New York, on relations with France, 2606.
the general appropriation bill, 3249.
Lea, Mr., Tennessee, on the general appropriation bill, 3287.
Lee, Mr., New York, on sufferers by fire at New York, 2196, 2599, 2600.
slavery in the District, 2220.
appropriation bills, 2469.
awards under treaty with France, 2800.
on printing an extra number of the Treasury report, 4067.
harbor bill, 4491.
Post Office Department, 4536.
Leonard, Mr., New York, on the harbor bill, 4491.
Lewis, Mr., Alabama, on Indian hostilities, 3763, 3764, 3771, 3788.
Post Office Department, 3780.
allowing rations to sufferers in Alabama, 4033.
amending the journal, 4058.
Indian annuities, 4136, 4140, 4188.
admission of Michigan and Arkansas, 4209.
inquiry into bank loans to members of Congress, 4348.
the deposite bill, 4358, 4371.
monument to Washington, 4490, 4491.
Indian frauds and hostilities, 4578, 4580, 4581, 4582, 4589.
judiciary bill, 4614, 4617.
Lincoln, Mr., Massachusetts, on the naval appropriation bill, 2512.
reorganization of the militia, 3778.
contested election of Mr. Graham, 2943.
District business, 3480, 3483, 3507, 3508.
division of the proceeds of the public lands, 3587.
Love, Mr., New York, on District business, 3480.
Indian annuities, 4191.
do. treaties, 4560.
Loyall, Mr., Virginia, on the general appropriation bill, 3289.
McCarty, Mr., Indiana, on the Michigan memorial, 2155.
McCarty, Mr., on the Cumberland road bill, 4539.
resolution relating to the public lands, 4661.
McComas, Mr., Virginia, on the army appropriation bill, 3466.
fortification bill, 3594.
Post Office Department, 3783.
harbor bill, 4486.
McKay, Mr., North Carolina, on the New York sufferers from fire, 2593, 2601.
contested election of Mr. Graham, 2664, 2886, 2937, 2969.
Seminole hostilities, 2733.
general appropriation bill, 3320.
bill for the acceptance of volunteers, 3322, 3330.
deposite banks, 3357.
defence of the Western frontier, 3543, 3593, 3766.
Post Office Department, 4056, 4112.
fortification bill, 4333, 4335, 4336.
resolutions for reduction of duties, 4338, 4446.
deposite bill, 4350, 4366, 4368.
inquiry into bank loans to members of Congress, 4348.
harbor bill, 4387.
Indian frauds and hostilities, 4582.
McKennan, Mr., Pennsylvania, on the District banks, 2106, 2113, 2115, 2122, 2126.
slavery in the District, 2220.
the appropriation bills, 2468.
contested election of Mr. Graham, 2648, 2666.
Bank of the United States, 2922.
general appropriation bill, 3287.
Post Office Department, 3781, 4105.
admission of Michigan and Arkansas, 4279, 4280, 4281.
deposite bill, 4340.
McKeon, Mr., New York, on naval affairs, 2163.
sufferers by fire at New York, 2201, 2601.
France and United States, 2218, 2219.
relief of Alford and Brush, 2881.
army appropriation bill, 3440.
Mann, Mr., New York, on amending the rules, 1956.
slavery in the District, 2018, 2240.
District banks, 2108, 2123.
sufferers by fire at New York, 2210.
West Point Academy, 2211.
Smithsonian legacy, 2236.
the appropriation bills, 2469.
executive patronage, 2470, 2474, 2475.
incendiary publications, 2485.
naval appropriation bill, 2508.
pension laws, 2525.
contested election of Mr. Graham, 2632, 2633, 2664, 2757, 2760, 2884, 2886, 2889, 2890.
Seminole hostilities, 2728, 2733.
Bank of the United States, 2926.
bill for acceptance of volunteers, 3325, 3345, 3353.
army appropriation bill, 3401, 3466.
District business, 3487, 3508, 3722.
for the better protection of the Western frontier, 3593, 3765, 3768.
Post Office Department, 3779, 3781, 3782, 3783, 3785, 3787, 3788, 3809, 4055, 4056, 4057, 4064, 4066, 4112, 4133.
bill for relief of Letcher and Moore, 4193.
pension bills, 4284.
on providing books for new members, 4309.
Ohio boundary bill, 4309.
deposite bill, 4346, 4350, 4359.
harbor bill, 4387.
reduction of duties, 4446.
Indian frauds and hostilities, 4583.

Mann, Mr., on additional appropriation bill, 4607.
Manning, Mr., South Carolina, on slavery in the District, 2612.
Martin, Mr., Alabama, on Post Office Department, 4105.
the harbor bill, 4388.
Mason, Mr. J. Y., Virginia, on amending the rules, 1958.
on the constitution of Michigan, 2077, 2080, 2084.
convention with Spain, 2141.
naval appropriations, 2181.
France and United States, 2218.
taking up appropriation bills, 2343, 2352.
French affairs, 2518, 2607.
Cumberland road, 2596.
contested election of Mr. Graham, 2631, 2632, 2985, 2987.
slavery in the District, 2660.
convention with Spain, 2681, 3734.
awards under treaty with France, 2800.
general appropriation bill, 3242, 3246, 3274, 3316, 3319.
bill for acceptance of volunteers, 3334.
District business, 3508.
defence of the Western frontier, 3540.
treaty with Mexico, 3723.
Post Office Department, 4115, 4134, 4536.
bill for relief of Letcher and Moore, 4191, 4192.
admission of Michigan and Arkansas, 4278, 4280.
the deposite bill, 4358.
monument to Washington, 4491.
acknowledging the independence of Texas, 4499.
Mason, Mr., Ohio, on the bill for the admission of Michigan into the Union, 4658.
on the defence of the Western frontier, 3544, 3547.
Maury, Mr., Tennessee, on the contested election of Mr. Graham, 2760, 2766, 2865, 2868, 2938.
fortification bill, 3735.
May, Mr., Illinois, on slavery in the District, 1986.
on the bill for the relief of the heirs of James Latham, 2642.
Wisconsin Territory, 3094, 3095, 3201.
Mercer, Mr., Virginia, on amending the rules, 1953, 1955, 1956.
slavery in the District, 1967.
District banks, 2108.
France and United States, 2218.
fortification bill of last session, 2265, 2267, 2268.
the appropriation bills, 2469.
executive patronage, 2475.
naval appropriation bill, 2524, 3614.
Cumberland road, 2596.
contested election of Mr. Graham, 2684, 2968, 2984, 2989.
Pensacola and Perdido railroad, 2963, 2964.
resolution proposing to allow pay to Mr. Newland for contesting the election of Mr. Graham, 3015.
sufferers by fire in New York, 3118, 3119.
general appropriation bill, 3287, 3325.
the Ohio and Michigan bill, 3317, 3328.
bill for accepting volunteers, 3330, 3374.
the army appropriation bill, 3428, 3440, 3473, 3474.
District business, 3507.
report on abolition, 3757, 3762.
fortification bill, 4331.
deposite bill, 4341, 4359, 4368, 4371.
harbor bill, 4437, 4447, 4485.
Miller, Mr., Pennsylvania, on slavery in the District, 2315, 2320, 2541, 2609.
Ohio boundary bill, 4310.
the deposite bill, 4358.
Milligan, Mr., Delaware, on the contested election of Mr. Graham, 3007.
Milligan, Mr., on the bill to secure Pea Patch island, 3226, 4068.
Montgomery, Mr., North Carolina, on the Post Office Department, 4065.
Moore, Mr., New York, on the army appropriation bill, 3428.
Morris, Mr., Pennsylvania, on slavery in the District, 2007.
Bank of the United States, 2929.
dividing the proceeds of the public lands, 3680.
Newland, Mr., North Carolina, on the contested election of Mr. Graham, 2767, 2861, 2864, 2884, 2937, 2942, 3005.
Owens, Mr., Georgia, on slavery in the District, 1994, 1996, 1997.
deposite banks, 3707.*
report on abolition, 3758, 3759, 3761, 4028, 4029.
light-house bill, 4494.
Indian treaties, 4503.
Parker, Mr., New Jersey, on amending the rules, 1955, 1957.
partial appropriation bill, 2175.
naval appropriations, 2181, 2505, 2507.
Smithsonian legacy, 2237.
sufferers in Florida, 2439.
New York sufferers from fire, 2573, 2593.
French affairs, 2606.
Seminole hostilities, 2731.
memorial of Trades Union, 2891.
Pensacola and Perdido railroad, 2964.
Wisconsin Territory, 3201.
District business, 3476, 3507, 3721.
Post Office Department, 3779, 3785, 4112, 4114.
allowing rations to sufferers in Alabama, 4034.
deposite bill, 4342.
harbor bill, 4387, 4491.
light-house bill, 4494.
judicial bill, 4619.
Parks, Mr., Maine, on amending the rules, 1957.
sufferers in Florida, 2440.
do. by fire in New York, 2711.
amending the journal, 4058.
Post Office Department, 4105.
extending the pension system, 4339.
the deposite bill, 4372.
additional appropriation bill, 4607.
judicial bill, 4614.
Patton, Mr., Virginia, on slavery in the District, 1971, 1991, 1996, 1998, 2657.
on the appropriation bills, 2349, 2470.
sufferers in Florida, 2440.
bill for limiting the term of office, 2634.
Bank of the United States, 2920.
allowing pay to D. Newland, 3089.
Wisconsin Territory, 3090, 3093, 3094, 3201, 3307.
navy appropriations, 3472, 3474, 3554.
report on abolition, 3761, 4029.
on a decision of the Chair, 4081.
on altering the time of meeting of Congress, 4137, 4138.
the admission of Michigan and Arkansas, 4208.
deposite bill, 4346, 4359.
harbor bill, 4440, 4448.
his address on the death of Mr. Madison being announced by a message from the President, 4563.
judicial bill, 4614, 4616, 4618.
Pearce, Mr., Rhode Island, on naval affairs, 2167, 2519.
the sufferers by fire at New York, 2239, 2595, 2601, 2636, 2712, 2717.
executive patronage, 2477.
contested election of Mr. Graham, 2665, 2942.

Pearce, Mr., on the Bank of the United States, 2928.
allowing pay to D. Newland, 3089.
presentation of petitions, 3296.
general appropriation bill, 3300.
Post Office Department, 3779, 4064, 4134.
inquiry into bank loans to members of Congress, 4348, 4349.
deposite bill, 4358.
harbor bill, 4380.
light-house bill, 4494.
additional appropriation bill, 4608.
Pearce, Mr., Maryland, on the Wisconsin Territory bill, 3224.
judicial bill, 4617, 4619.
Peyton, Mr., Tennessee, on slavery in the District, 1969, 1970, 1976, 2172, 2223, 2661.
the appropriation bills, 2468.
executive patronage, 2478, 2479.
contested election of Mr. Graham, 2758, 2985, 2986, 2988, 2989, 3006, 3007, 3014.
the Jackson city bill, 3004.
resolution respecting deposites in the local banks, 3096, 3151.
naval service bill, 3206.
repealing the 14th section of the United States Bank act, 3236, 3238.
deposite banks, 3308, 3315.
defence of the Western frontier, 3520.
treaty with Mexico, 3724, 3728.
harbor bill, 4387.
Indian treaties, 4566.
bill for suppressing Indian hostilities, 4568.
Indian frauds and hostilities, 4582, 4584, 4592.
Phillips, Mr., Massachusetts, on the sufferers by fire at New York, 2240, 2542.
appropriation bills, 2476.
naval appropriation bill, 2506, 2507, 3577.
general appropriation bill, 3289.
report on abolition, 4029, 4032, 4053, 4061.
admission of Michigan and Arkansas, 4259, 4260.
light-house bill, 4494.
Post Office Department, 4536.
judicial bill, 4618.
Pickens, Mr., South Carolina, on sufferers by fire at New York, 2207.
slavery in the District, 1985, 2241.
fortification bill, 3865.
admission of Michigan and Arkansas, 4280.
Pierce, Mr., New Hampshire, on slavery in the District, 1984.
repelled an assault made on him in the columns of a certain newspaper, 2528.
on the deposite banks, 3423.
West Point Academy, 4569.
Pinckney, Mr., South Carolina, on the Michigan memorial, 2151.
sufferers by fire at New York, 2210.
slavery in the District, 2482, 2483, 2491, 2535.
naval service bill, 3206.
report on abolition, 3756, 3757, 3762, 3775.
West Point Academy bill, 4577.
Potts, Mr., Pennsylvania, on amending the journal, 4060.
Reed, Mr., Massachusetts, on naval affairs, 2164, 3203, 3564.
taking up appropriation bills, 2352.
fortification bill of last session, 2372.
New York sufferers by fire, 2594.
contested election of Mr. Graham, 2684.
Bank of the United States, 2926.
Jackson city bill, 3005.
presentation of petitions, 3296.
Ohio and Michigan bill, 3318.
Reed, Mr., on defence of the Western frontier, 3526.
Post Office Department, 3809, 4064, 4134.
fortification bill, 4332.
Rencher, Mr., North Carolina, on the contested election of Mr. Graham, 2642, 2688, 2868, 2884, 2886, 2887, 2888, 1889, 2966, 3007.
resolution proposing to allow pay to Mr. Newland for contesting the election of Mr. Graham, 3015.
bill for relief of Letcher and Moore, 4194.
for a more uniform rule of computing mileage, 4194.
extending the pension system, 4339.
deposite bill, 4366.
Reynolds, Mr., New York, on West Point Academy, 2193.
suspension of rules, 2487.
the bill for the relief of the heirs of James Latham, 2650.
Wisconsin Territory, 3094.
bill for accepting volunteers, 3330.
deposite banks, 3357.
Reynolds, Mr., Illinois, on the division of the proceeds of the public lands, 3584.
bill for relief of J. B. Janis, 4286.
extending the pension system, 4339.
light-house bill, 4494.
harbor bill, 4530.
additional appropriation bill, 4608.
bill for relief of James Latham, 2651.
Ripley, Mr., Louisiana, on slavery in the District, 1977.
the Michigan Mining Company, 2142.
Pensacola and Perdido railroad, 2963, 2965.
contested election of Mr. Graham, 3008.
amending the constitution, 3017.
naval service bill, 3203.
bill for the acceptance of volunteers, 3341.
defence of the Western frontier, 3523.
deposite bill, 4366.
Indian frauds and hostilities, 4583.
judiciary bill, 4613.
Robertson, Mr., Virginia, on slavery in the District, 2019.
executive patronage, 2476.
New York sufferers by fire, 2597, 2598, 2599, 2601.
naval appropriation bill, 3120.
resolutions proposing retrenchments, 3225, 3228.
report on abolition, 3762, 3811, 4010.
amending the journal, 4057.
admission of Michigan and Arkansas, 4305.
harbor bill, 4389, 4485, 4494.
Indian treaties, 4562.
Indian frauds and hostilities, 4582.
judiciary bill, 4619.
Russell, Mr., New York, on the admission of Michigan and Arkansas, 4251.
Sevier, Mr., Arkansas, on the bill for accepting volunteers, 3330, 3354.
army appropriation bill, 3467.
defence of Western frontier, 3547.
Indian annuities, 4191.
admission of Michigan and Arkansas, 4260.
Shepard, Mr. W. B., North Carolina, on the District banks, 2103, 2104, 2106, 2111, 2115.
contested election of Mr. Graham, 2621, 2634, 2636, 2638, 2639.
on setting apart days for District business, 3015.
watering Pennsylvania avenue, 3461.
navy appropriations, 3474.
District business, 3477, 3478, 3496, 3719.
repairing Potomac bridge, 4140.
District banks, 4437, 4559.

Shepperd, Mr. A. H., North Carolina, on the District banks, 2128.
contested election of Mr. Graham, 2622, 2719, 2888, 2943.
general appropriation bill, 3240, 3246, 3248, 3274, 3316, 3318, 3320.
amending the journal, 4060.
fortification bill, 4331.
Shields, Mr., Tennessee, on the bill for the payment of Tennessee pensioners, 3677.
Post Office Department, 3784, 3785, 3787, 3794.
Slade, Mr., Vermont, on slavery in the District of Columbia, 1962, 1970, 2042.
presenting an anti-slavery memorial, 3233.
presentation of petitions, 3297.
report on abolition, 4054.
admission of Michigan and Arkansas, 4278.
Smith, Mr., Maine, on the West Point Academy, 2192.
Post Office, 2488.
naval appropriation bill, 2512.
Seminole hostilities, 2727.
Bank of the United States, 2924.
sufferers by fire in New York, 3117.
general appropriation bill, 3290.
Post Office Department, 3780, 4108.
deposite bill, 4342.
harbor bill, 4387, 4389, 4466, 4531.
Spangler, Mr., Ohio, on the contested election of Mr. Graham, 2699.
a decision of the Chair, 4099.
Speight, Mr., North Carolina, on the contested election of Mr. Graham, 2888, 2942.
Bank of the United States, 2922.
incendiary publications, 2945.
Jackson city bill, 3003.
amending the constitution, 3016.
sufferers by fire in New York, 3118
naval service bill, 3202.
Kentucky resolutions, 3231.
general appropriation bill, 3290, 3328.
presentation of petitions, 3297, 3298.
report on abolition, 3761.
defence of Western frontier, 3768.
amending the journal, 4060, 4061.
a decision of the Chair, 4099.
on the bill to establish a hospital at Ocracoke bar, 4133.
altering the time of meeting of Congress, 4137, 4138.
distributing proceeds of public lands, 4322.
fortification bill, 4332.
deposite bill, 4340, 4357.
inquiry into bank loans to members of Congress, 4349.
Storer, Mr., Ohio, on the constitution of Michigan, 2078, 2080, 2095.
Michigan memorial, 2156.
sufferers by fire in New York, 2577.
suppression of Indian hostilities, 2778.
Territory of Wisconsin, 3091, 3092.
naval appropriations, 3171.
defence of the Western frontier, 3518.
abolition report, 4029.
fortification bill, 4204, 4328.
admission of Michigan and Arkansas, 4306.
harbor bill, 4389, 4485.
bill for suppressing Indian hostilities, 4568.
additional appropriation bill, 4608.
Sutherland, Mr., Pennsylvania, on amending the rules, 1954.
on slavery in the District, 1990.
naval appropriations, 2186, 2505, 3378.
sufferers by fire at New York, 2210.
the appropriation bills, 3343, 3510.
Sutherland, Mr., on executive patronage, 2475.
increasing the custom-house officers, 3146, 3147.
District business, 3479.
defence of Western frontier, 3546.
report on abolition, 3762, 3763.
amending the journal, 4060.
bill to regulate the compensation of officers of revenue cutters, 4205.
harbor bill, 4437, 4448, 4471, 4485, 4486, 4531, 4534.
light-house bill, 4494.
judicial bill, 4613, 4614.
Taylor, Mr., New York, on the Post Office Department, 4106.
admission of Michigan and Arkansas, 4212.
Thomas, Mr., Maryland, on amending the rules, 1957.
slavery in the District, 1972.
District banks, 2103, 2104, 2109, 2111, 2113, 2114, 2122.
executive patronage, 2475.
the boundary of Ohio and Michigan, 2667, 2680.
the resolutions from the Legislature of Maryland, 3232.
territorial bills, 3234.
Ohio and Michigan bill, 3317.
Post Office Department, 4128.
the Maryland resolutions for distributing the proceeds of the public land, 4177.
the admission of Michigan and Arkansas, 4207.
altering the rules of the House, 4499.
judiciary bill, 4613.
Thompson, Mr., South Carolina, on slavery in the District, 2004.
naval appropriations, 2182, 2669, 3206.
taking up appropriation bills, 2356.
Post Office Department, 2540.
contested election of Mr. Graham, 2969.
bill for accepting volunteers, 3335, 3353, 3375.
army appropriation bill, 3467.
defence of the Western frontier, 3521, 3522, 3791.
District business, 3722.
report on abolition, 3762.
allowing rations to sufferers in Alabama, 4049.
amending the journal, 4058.
fortification bill, 4197.
Thomson, Mr., Ohio, on the Michigan memorial, 2145, 2151.
District business, 3507.
defence of the Western frontier, 3765.
fortification bill, 4329, 4333.
Toucey, Mr., Connecticut, on New York sufferers by fire, 2599, 2716.
the Wisconsin Territory bill, 3224.
general appropriation bill, 3307.
navy do., 3473.
District business, 3478.
deposite banks, 3707.
Post Office Department, 4064.
altering the time of meeting of Congress, 4138.
admission of Michigan and Arkansas, 4306.
Towns, Mr., Georgia, on the fortification bill, 3631.
Turner, Mr., Maryland, on the removal of obstructions at Havre de Grace, 2698.
harbor bill, 4485.
Turrill, Mr., New York, on sufferers in Florida, 2445.
the harbor bill, 4471.
Underwood, Mr., Kentucky, on the appropriation bills, 2468, 2469.
naval appropriations, 2505.
Seminole hostilities, 2731.
bill for relief of Alford and Brush, 2747.
contested election of Mr. Graham, 2888, 2943, 2984, 2987.

Underwood, Mr., on allowing pay to D. Newland, 3084.
Wisconsin Territory bill, 3221.
presentation of petitions, 3299.
bill for accepting volunteers, 3375.
District business, 3477, 3479, 3480, 3507.
defence of the Western frontier, 3518, 3542.
Post Office Department, 3782, 3810, 4132, 4134.
fortification bill, 3880.
report on abolition, 4118.
bill for relief of Letcher and Moore, 4192, 4194.
pension bills, 4285.
harbor bill, 4389, 4484.
judiciary bill, 4616.
Vanderpoel, Mr., New York, on amending the rules, 1952.
on slavery in the District, 1980, 2129.
the District banks, 2105.
sufferers by fire at New York, 2199, 2598.
appropriation bills, 2358.
executive patronage, 2471.
pension laws, 2525.
the contested election of James Graham, 2646, 2719, 2887, 2939, 2984, 2985.
Bank of the United States, 2924.
Jackson city bill, 3003.
navy appropriations, 3151.
bill for the acceptance of volunteers, 3352.
District business, 3481, 3483, 3721.
United States and Mexico, 3730.
amending the journal, 4062, 4063.
altering the time of meeting of Congress, 4138.
breach of privilege, 4283.
fortification bill, 4337.
deposite bill, 4347, 4350, 4359.
harbor bill, 4382.
District banks, 4439.
Indian frauds and hostilities, 4582, 4586.
Vinton, Mr., Ohio, on amending the rules, 1956.
slavery in the District, 1972, 2132, 2536.
constitution of Michigan, 2078, 2098.
Seminole hostilities, 2139.
Michigan Mining Company, 2142.
frauds under the pre-emption laws, 2517, 2518.
erecting a monument in memory of Captain N. Hale, 2557.
Cumberland road, 2596.
relief of Alford and Brush, 2883.
Wisconsin Territory bill, 3221.
Ohio and Michigan bill, 3318.
navy appropriations, 3473.
District business, 3478.
Choctaw claims, 3616.
deposite banks, 3707.
defence of the Western frontier, 3766.
Post Office Department, 4064.
Indian annuities, 4173, 4174, 4191.
appropriating the proceeds of the public lands, 4195.
admission of Michigan and Arkansas, 4207, 4208, 4213, 4300, 4305.
deposite bill, 4346, 4358, 4368.
harbor bill, 4388, 4390, 4447, 4493.
on altering the rules of the House, 4499.
Ward, Mr., New York, on erecting a monument to Captain N. Hale's memory, 2134.
the appropriation bills, 2468.
Seminole hostilities, 2726.
Post Office Department, 4132.
West Point Academy, 4576.
additional appropriation bill, 4607.
acceptance of volunteers, 3371.
Wardwell, Mr., New York, on the District banks, 2126.
partial appropriation bill, 2175.
West Point Academy, 2192.
Wardwell, Mr., on the pension laws, 2525, 2526.
Cumberland road, 2596.
memorial of Trades Union, 2891.
District business, 3480.
Post Office Department, 3783.
pension bills, 4284, 4285.
Washington, Mr., Maryland, on District business, 3488.
Potomac Fire Insurance Company, 4490.
Webster, Mr., Ohio, on the Cumberland road bill, 4539.
White, Mr., Kentucky, on the Bank of the United States, 2933.
White, Mr., Florida, on Seminole hostilities, 2144, 2359.
for relief of sufferers in Florida, 2438, 2439, 2440, 2444.
naval appropriation bill, 2505, 3191, 3202.
pay of volunteers, 2576.
Seminole hostilities, 2731.
territorial bills, 3234.
general appropriation bill, 3289.
bill for the acceptance of volunteers, 3344, 3789.
Indian annuities, 4162, 4175.
bill for suppressing Indian hostilities, 4568.
Whittlesey, Mr., Ohio, on the constitution of Michigan, 2084.
partial appropriation bill, 2173.
pay of volunteers, 2576.
increasing custom-house officers, 3147.
bill for acceptance of volunteers, 3354, 3374.
general appropriation bill, 3510.
convention with Spain, 3735.
Post Office Department, 3783, 4055, 4537.
abolition report, 4050, 4051.
amending the journal, 4062.
admission of Michigan and Arkansas, 4279, 4280, 4306.
fortification bill, 4331.
harbor bill, 4448, 4471.
judiciary bill, 4616.
Williams, Mr., North Carolina, on amending the rules, 1954, 1955.
on slavery in the District, 1967, 1971.
the constitution of Michigan, 2084, 2090.
District banks, 2126, 2127.
graduating the price of public lands, 2133.
Michigan Mining Company, 2143, 2144.
partial appropriation bill, 2172, 2173.
fortification bill of last session, 2264.
Seminole war, 2359, 2727.
contested election of Mr. Graham, 2631, 2633, 3007.
Pensacola and Perdido railroad, 2963.
general appropriation bill, 3319.
bill for accepting volunteers, 3353.
division of the proceeds of the public lands, 3580, 4322.
for the better protection of the Western frontier, 3594, 3764.
Post Office Department, 3779, 3810, 4536.
admission of Michigan and Arkansas, 4260, 4305.
extending the pension system, 4338.
Williams, Mr., Kentucky, on relief of sufferers in Florida, 2440.
pension laws, 2526.
pay of volunteers, 2576.
contested election of Mr. Graham, 2624, 2938.
Seminole hostilities, 2733.
division of the proceeds of the public lands, 3360, 3548, 3684.
defence of the Western frontier, 3529.
District business, 3720.
report on abolition, 4030.
a decision of the Chair, 4098.
altering the time of meeting of Congress, 4139.
admission of Michigan and Arkansas, 4306.

Williams, Mr., on deposite bill, 4350.
harbor bill, 4389, 4532.
judiciary bill, 4613, 4615, 4617.
Wise, Mr., Virginia, on amending the rules, 1955.
slavery in the District, 1972, 1977, 1986, 2024, 2137, 2497, 2498, 2533, 2534, 2535, 2536, 2657, 2661, 2663.
naval affairs, 2160, 2161, 2515.
partial appropriation bill, 2173, 2175.
fortification bill of last session, 2268, 2279, 2295, 2436, 2437.
incendiary publications, 2485.
New York sufferers by fire, 2594, 2598.
Bank of the United States, 2924.
contested election of Mr. Graham, 2962, 2970, 2986, 2987, 2988, 2989.
naval service bill, 3043, 3202, 3218.
the manner of making deposites in local banks, and an inquiry into the agency of R. M. Whitney, 3095, 3149.
Wisconsin Territory bill, 3222, 3223.
resolution proposing an inquiry into the mode of selecting the banks of deposite, 3231.
territorial bills, 3234.
Wise, Mr., on general appropriation bill, 3241, 3242, 3247.
deposite banks, 3249, 3308, 3357, 3375.
presentation of petitions, 3296, 3297.
notice of a paragraph in the Globe, 3316.
defence of the Western frontier, 3547, 3772.
District business, 3720.
treaty with Mexico, 3723, 3727.
Post Office Department, 3783, 3810, 4119, 4135.
resolution calling on the President for an account of all the measures which had been taken to suppress Indian hostilities, 3820.
report on abolition, 4028, 4029, 4030, 4032.
amending the journal, 4057.
a decision of the Chair, 4096.
bill for relief of Letcher and Moore, 4193, 4194.
admission of Michigan and Arkansas, 4207, 4208, 4279, 4281.
fortification bill, 4332.
harbor bill, 4387.
Indian treaties, 4502, 4503, 4504, 4549, 4566, 4567.
Indian frauds and hostilities, 4580, 4582, 4592.
supplying public documents, 4667.

INDEX TO THE APPENDIX.

Message of the President at the opening of the session, 1.
Documents accompanying the message, 12.
Report of the Secretary of War, 11.
of the Secretary of the Navy, 16.
of the Postmaster General, 19.
of the Secretary of the Treasury, 28.
of the Commissioner of the General Land Office, 39.
of Mr. Ewing, from the Committee on Public Lands, on the bill to appropriate for a limited time the proceeds of the sale of the public lands, 45.
of the Secretary of the Treasury, on the public lands, 56.
of Mr. Walker, from a select committee, on the subject of graduating and reducing the price of the public lands, 63.
Report of Mr. Calhoun, from a select committee, on incendiary publications, 72.
of Mr. Leigh, on the Smithsonian Institution, for the increase and diffusion of knowledge, 77.
of Mr. Adams, on the same subject, 78.
of the Secretary of War, on the appropriations necessary to place the land and naval defences of the country on a proper footing, 80.
of the Secretary of the Navy, 91.
Letter from the War Department, in answer to a resolution of the Senate calling for information concerning the Indian tribes, 96.
Report of Mr. Ruggles, from a select committee appointed to consider the state of the Patent Office, and the laws relating to the issuing of patents, 100.
of Mr. Pinckney, on the subject of slavery in the District of Columbia, 104.